



Iowa General Assembly
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February 26, 2013

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House File 313 - Introduced

HOUSE FILE 313
BY KAJTAZOVIC

A BILL FOR

1 An Act establishing solar energy ownership or purchasing goals
2 applicable to electric utilities.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2289YH (2) 85
rn/nh



Iowa General Assembly
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H.F. 313

1 Section 1. NEW SECTION. 476.44B Solar energy ownership or
2 purchase — goals.

3 1. Solar energy ownership or purchasing goals are
4 established, applicable to electric utilities subject to this
5 division, except utilities that elect rate regulation pursuant
6 to section 476.1A, and in addition to the one hundred five
7 megawatt purchase requirements provided in section 476.44. An
8 electric utility is encouraged to own or purchase the following
9 goal amounts of solar energy each year for a five-year
10 interval, with each succeeding year added to the purchase or
11 ownership goal for the preceding year:

12 a. By December 31, 2014, twelve megawatts.
13 b. By December 31, 2015, thirty-five additional megawatts.
14 c. By December 31, 2016, fifty-eight additional megawatts.
15 d. By December 31, 2017, eighty additional megawatts.
16 e. By December 31, 2018, one hundred fifteen additional
17 megawatts.

18 2. At the conclusion of the five-year interval established
19 in subsection 1, an electric utility complying with the goals
20 would own or purchase a cumulative total of three hundred
21 megawatts of solar energy and shall be encouraged to maintain
22 this ownership or purchase level each year thereafter.

23 3. The board shall by rule establish procedures for
24 encouraging utilities to comply with the goals and monitoring
25 the extent to which compliance is achieved.

26 EXPLANATION

27 This bill establishes solar energy ownership or purchasing
28 goals applicable to designated electric utilities, in addition
29 to existing alternate energy purchase requirements contained
30 in Code section 476.44.

31 The bill provides that an electric utility is encouraged
32 to own or purchase increasing amounts of solar energy over a
33 five-year period, ranging from 12 megawatts by December 31,
34 2014, to 115 megawatts by December 31, 2018. At the conclusion
35 of the five years, the bill specifies that an electric utility

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1 complying with the goal would own or purchase a cumulative
2 total of 300 megawatts of solar energy, and shall be encouraged
3 to maintain this level each year thereafter.

4 The bill directs the Iowa utilities board by rule to
5 establish procedures for encouraging utilities to comply with
6 the goals and monitoring the extent to which compliance is
7 achieved.



Iowa General Assembly
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House File 314 - Introduced

HOUSE FILE 314
BY KAJTAZOVIC and KELLEY

A BILL FOR

1 An Act creating a school solar generation revolving loan and
2 grant program and fund within the Iowa energy center to fund
3 solar generation projects and making an appropriation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2143YH (2) 85
mm/sc



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1 Section 1. Section 266.39C, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 7. The Iowa energy center shall establish
4 and administer the school solar generation revolving loan and
5 grant program pursuant to section 473.21.

6 Sec. 2. NEW SECTION. 473.21 **School solar generation**
7 **revolving loan and grant program.**

8 1. The Iowa energy center created under section 266.39C
9 shall establish and administer a school solar generation
10 revolving loan and grant program to encourage solar generation
11 projects at school districts and Iowa community colleges
12 within the state. For purposes of this section, "*solar*
13 *generation project*" means the purchase and installation
14 at a school district or Iowa community college of a solar
15 photovoltaic system or systems that in the aggregate will
16 produce electricity which has a nameplate generating capacity
17 not in excess of one hundred kilowatts.

18 2. *a.* A school solar generation revolving loan and grant
19 fund is created in the office of the treasurer of state to be
20 administered by the Iowa energy center.

21 *b.* The fund shall consist of any moneys appropriated
22 or otherwise directed to the fund. Section 8.33 shall not
23 apply to moneys in the fund. Notwithstanding section 12C.7,
24 subsection 2, interest or earnings on moneys in the fund shall
25 be credited to the fund.

26 *c.* Moneys in the fund shall be used to provide grants
27 and loans to fund solar generation projects as provided in
28 subsection 3.

29 3. Any school district or Iowa community college in this
30 state may apply to the Iowa energy center to receive a grant
31 and loan for a solar generation project, which grant and loan
32 shall be available as follows:

33 *a.* A school district or Iowa community college may receive a
34 grant for an amount not to exceed forty percent of the purchase
35 and installation costs associated with that part of the solar

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1 generation project that will produce electricity which has a
2 nameplate generating capacity of ten kilowatts or less.

3 **b.** (1) A school district or Iowa community college may
4 receive a loan for an amount not to exceed forty percent of the
5 remaining purchase and installation costs associated with the
6 solar generation project that were not used to calculate the
7 grant pursuant to paragraph "a".

8 (2) Each loan under this paragraph "b" shall be for a
9 period not to exceed twenty years, shall bear no interest,
10 and shall be repayable to the fund created under this section
11 in installments as determined by the Iowa energy center.
12 The interest rate upon delinquent payments shall accelerate
13 immediately to the current legal usury limit.

14 (3) Any loan made pursuant to this program shall immediately
15 become due for payment upon sale of the solar photovoltaic
16 system for which the loan was made.

17 Sec. 3. SCHOOL SOLAR GENERATION REVOLVING LOAN AND GRANT
18 PROGRAM — APPROPRIATION.

19 1. There is appropriated from the general fund of the state
20 to the school solar generation revolving loan and grant fund
21 in section 473.21 for the fiscal year beginning July 1, 2013,
22 the following amount, or so much thereof as is necessary, to be
23 used for the purposes designated:

24 For providing grants and loans to fund solar generation
25 projects as provided in section 473.21:

26 \$ 5,000,000

27 Notwithstanding section 8.33, moneys appropriated pursuant
28 to this section shall not revert but shall remain available
29 to the school solar generation revolving loan and grant fund
30 for the purposes designated until expended. Notwithstanding
31 section 12C.7, subsection 2, earnings or interest on moneys
32 appropriated pursuant to this section shall be credited to the
33 school solar generation revolving loan and grant fund and used
34 for the purposes designated until expended.

35

EXPLANATION

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1 This bill establishes a school solar generation revolving
2 loan and grant program within the Iowa energy center, creates
3 a corresponding fund, and makes a \$5 million appropriation to
4 the fund. Moneys in the fund will be used to provide loans
5 and grants to school districts and Iowa community colleges
6 to invest in solar generation projects. "Solar generation
7 project" is defined as the purchase and installation of a solar
8 photovoltaic system or systems that in the aggregate will
9 produce electricity which has a nameplate generating capacity
10 not in excess of 100 kilowatts.

11 School districts or Iowa community colleges may apply to the
12 Iowa energy center to receive a grant and loan for the purchase
13 and installation costs of a solar generation project.

14 A grant not to exceed 40 percent of the purchase and
15 installation costs may be provided for that part of a solar
16 generation project that will produce electricity which has a
17 nameplate generating capacity of up to 10 kilowatts. If the
18 solar generation project will produce electricity which has a
19 nameplate generating capacity of greater than 10 kilowatts,
20 a school district or Iowa community college may receive the
21 grant listed above and a loan not to exceed 40 percent of the
22 remaining purchase and installation costs that are in excess of
23 those established for the grant.

24 Each loan provided in the bill shall be for a period not
25 to exceed 20 years, shall bear no interest, and shall be
26 repayable to the fund in installments determined by the Iowa
27 energy center. The interest rate upon delinquent payments
28 shall accelerate immediately to the current legal usury limit.
29 Loans shall become due immediately upon the sale of the solar
30 photovoltaic system for which the loan was made.



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House File 315 - Introduced

HOUSE FILE 315
BY COWNIE and J. SMITH

A BILL FOR

1 An Act eliminating the department of education's authority to
2 approve certain requests to waive the school start date.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2129YH (2) 85
kh/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 26, 2013

H.F. 315

1 Section 1. Section 257.17, Code 2013, is amended to read as
2 follows:

3 **257.17 Aid reduction for early school starts.**

4 State aid payments made pursuant to section 257.16 for a
5 fiscal year shall be reduced by one one-hundred-eightieth for
6 each day of that fiscal year for which the school district
7 begins school before the earliest starting date specified in
8 section 279.10, subsection 1. However, this section does not
9 apply to a school district that has received approval from the
10 director of state board of education for a year around school
11 year under section 256.20, or from the department of education
12 under section 279.10, subsection 4, to commence classes for
13 regularly established elementary and secondary schools in
14 advance of the starting date established for a pilot program
15 for an innovative school year in accordance with section
16 279.10, subsection 1 3.

17 Sec. 2. Section 279.10, subsection 2, Code 2013, is amended
18 to read as follows:

19 2. The board of directors shall hold a public hearing on
20 any ~~proposal~~ request for approval made pursuant to subsection
21 3 prior to submitting it to the department of education for
22 approval.

23 Sec. 3. Section 279.10, subsection 4, Code 2013, is amended
24 by striking the subsection.

25 EXPLANATION

26 This bill eliminates the department of education's authority
27 to grant a school district's request to waive the earliest
28 school start date allowed, which currently is no sooner than
29 a day during the calendar week in which the first day of
30 September falls or, if the first day of September falls on a
31 Sunday, a day during the prior week.

32 The bill makes a conforming change to eliminate an exemption
33 in a provision that reduces a school district's state aid
34 payments for early school starts unless the school district
35 receives a waiver, but maintains exemptions for a school

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1 district approved to implement an innovative school year or a
2 year around school year.



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House File 316 - Introduced

HOUSE FILE 316
BY KAJTAZOVIC

A BILL FOR

1 An Act relating to improving infant health and creating a task
2 force.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1606YH (2) 85
mr/rj



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H.F. 316

1 Section 1. INFANT HEALTH — TASK FORCE — RECOMMENDATIONS TO
2 GENERAL ASSEMBLY.

3 1. The department of public health shall create and convene
4 a task force to investigate and recommend measures to improve
5 infant health.

6 2. The investigation shall address new preventative
7 and early detection methods, including medical tests and
8 screenings, and other relevant information as determined by the
9 department.

10 3. The task force membership shall include representatives
11 of the Iowa medical society, the Iowa nurses association,
12 and other relevant advocacy groups, physicians, nurses, and
13 families as determined by the department.

14 4. The task force shall submit its findings and
15 recommendations to the general assembly by January 2, 2014.

16 EXPLANATION

17 This bill relates to improving infant health.

18 The bill requires the department of public health to convene
19 a task force to investigate and recommend measures to improve
20 infant health. The investigation must address new preventative
21 and early detection methods, including medical tests and
22 screenings, and other relevant information as determined by
23 the department. The task force shall include representatives
24 of the Iowa medical society, the Iowa nurses association,
25 and other relevant advocacy groups, physicians, nurses, and
26 families as determined by the department. The task force shall
27 submit its findings and recommendations to the general assembly
28 by January 2, 2014.



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House File 317 - Introduced

HOUSE FILE 317
BY WESSEL-KROESCHELL

A BILL FOR

1 An Act relating to the use of the term relative in child
2 in need of assistance and termination of parental rights
3 proceedings.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2363HH (1) 85
ad/nh



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H.F. 317

1 Section 1. Section 232.2, Code 2013, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 46A. "*Relative*" for purposes of divisions
4 III and IV of this chapter includes the parent of a sibling.
5 Sec. 2. Section 232.84, subsection 2, Code 2013, is amended
6 to read as follows:
7 2. Within thirty days after the entry of an order under
8 this chapter transferring custody of a child to an agency
9 for placement, the agency shall exercise due diligence in
10 identifying and providing notice to the child's grandparents,
11 aunts, uncles, adult siblings, parents of the child's siblings,
12 and adult relatives suggested by the child's parents, subject
13 to exceptions due to the presence of family or domestic
14 violence.

15 EXPLANATION

16 This bill relates to the use of the term "relative" in
17 child in need of assistance and termination of parental rights
18 proceedings. The bill states that "relative" for purposes
19 of child in need of assistance and termination of parental
20 rights proceedings includes the parent of a child's sibling.
21 The bill also requires the department of human services to
22 provide notice to parents of a child's siblings within 30 days
23 of an order in a child in need of assistance proceeding that
24 transfers custody of the child to the department of human
25 services, juvenile court services, or a private agency for
26 placement.



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House File 318 - Introduced

HOUSE FILE 318
BY ROGERS and WINDSCHITL

A BILL FOR

1 An Act relating to parental responsibilities including those
2 related to custody and support and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1406YH (11) 85
pf/nh



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H.F. 318

1 Section 1. Section 144.13, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 1A. The state registrar shall include
4 with the birth certificate application, a separate statement,
5 to be attested to by any parent and submitted to the state
6 registrar, that in accordance with section 252A.3, the parent
7 is liable for support of the child. The statement shall also
8 provide notification to a parent that failure to comply with
9 section 252A.3 may subject the parent to a proceeding to compel
10 support pursuant to section 252A.5 and that failure or refusal
11 to provide support for the person's child may be grounds
12 for the crime of nonsupport pursuant to section 726.5. The
13 signed attestation submitted to the state registrar under this
14 subsection is considered a confidential record under chapter
15 22. The birth certificate application shall also include
16 separate contact information for state agencies, including
17 but not limited to the department of workforce development,
18 that assist individuals in finding employment and a detachable
19 checkoff for a parent who is unemployed to request assistance
20 in finding employment.

21 Sec. 2. Section 144.13, subsection 3, Code 2013, is amended
22 to read as follows:

23 3. a. If the mother was not married at the time of
24 conception, birth, and at any time during the period between
25 conception and birth, the mother shall enter the name of the
26 father shall not be entered on the certificate of birth,
27 unless a determination of subject to paternity has been made
28 being established pursuant to section 252A.3, in which case
29 the name of the father as established shall be entered by
30 the department. If The mother may refuse to enter the name
31 of the father is not named on the certificate of birth, no
32 other information about the father shall be entered on the
33 certificate only if the mother files an affidavit with the
34 certificate of birth, under penalty of perjury, attesting that
35 she does not know who the father is or attesting that she

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1 has made a good-faith effort to identify the father but was
2 unable to do so as supported by evidence demonstrating the
3 good-faith effort, or if good cause is shown. If a mother
4 files an affidavit or asserts good cause in refusing to enter
5 the name of the father on the birth certificate, upon receipt
6 of the birth certificate by the state registrar, the state
7 registrar shall forward the affidavit or good cause claim and
8 any supporting evidence to the department of human services for
9 investigation. If the mother's affidavit or good cause claim
10 and the investigation of the supporting evidence satisfies the
11 department of human services, the department of human services
12 shall grant the exemption and notify the state registrar.

13 b. For the purposes of this subsection, "good cause" exists
14 when the mother asserts and provides evidence to support any
15 of the following claims in refusing to name the father on the
16 birth certificate:

17 (1) That a history of domestic abuse as defined in section
18 236.2 exists.

19 (2) That a history of child abuse as defined in section
20 232.68 exists.

21 (3) That the child was conceived as a result of incest or
22 sexual abuse.

23 c. Evidence supporting a good cause claim includes but is
24 not limited to any of the following:

25 (1) A medical or law enforcement record indicating that the
26 child was conceived as the result of incest or sexual abuse.

27 (2) Documentation of commencement of an action pursuant to
28 section 236.3, the issuance of a protective order against the
29 parent or the issuance of a court order or consent agreement
30 pursuant to section 236.5, the issuance of an emergency order
31 pursuant to section 236.6, the holding of a parent in contempt
32 pursuant to section 664A.7, the response of a peace officer to
33 the scene of alleged domestic abuse or the arrest of a parent
34 following response to a report of alleged domestic abuse, or
35 a conviction for domestic abuse assault pursuant to section



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1 708.2A.

2 (3) Documentation of founded child abuse pursuant to
3 section 232.71D.

4 (4) Sworn statements from individuals other than the mother
5 that provide evidence supporting the good cause claim.

6 d. The department shall adopt rules pursuant to chapter
7 17A to specify the documentation necessary to demonstrate a
8 good-faith effort by the mother in identifying the father of
9 the child under this subsection.

10 e. An affidavit or good cause claim with any supporting
11 evidence submitted under this subsection is a confidential
12 record under chapter 22.

13 f. A decision by the department under this subsection
14 is final agency action and is subject to judicial review in
15 accordance with chapter 17A.

16 **Sec. 3. NEW SECTION. 217.25 Prerequisite for receipt of**
17 **public assistance.**

18 The department of human services shall establish as a
19 prerequisite for application for the family investment
20 program pursuant to chapter 239B or the medical assistance
21 program pursuant to chapter 249A that the entity receiving the
22 application verify that any child who is included in the family
23 unit has a completed birth certificate pursuant to section
24 144.13, unless an exemption was granted based on an affidavit
25 filed or good cause shown pursuant to section 144.13. If
26 the department determines that the birth certificate is not
27 complete and an exemption was not granted, the department shall
28 deny the application for assistance and inform the applicant of
29 the denial. A decision by the department under this subsection
30 is final agency action and is subject to judicial review in
31 accordance with chapter 17A.

32 **EXPLANATION**

33 This bill relates to custody and support of a child.

34 The bill directs the state registrar to include with the
35 birth certificate application, a separate statement, to be

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pf/nh



Iowa General Assembly
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1 attested to by any parent and submitted to the state registrar,
2 that in accordance with Code section 252A.3, the parent is
3 liable for support of the child. The statement is also to
4 provide notification to a parent that failure to comply with
5 this provision may subject the parent to a proceeding to compel
6 support and that failure or refusal to provide support for the
7 person's child may be grounds for the crime of nonsupport,
8 which is a class "D" felony. A class "D" felony is punishable
9 by confinement for no more than five years and a fine of at
10 least \$750 but not more than \$7,500. The signed attestation
11 submitted to the state registrar is considered a confidential
12 record. The birth certificate application is also to include
13 separate contact information for state agencies, including
14 but not limited to the department of workforce development,
15 that assist individuals in finding employment and a detachable
16 checkoff for a parent who is unemployed to request assistance
17 in finding employment.

18 The bill amends Code section 144.13 to require a mother
19 who was not married at the time of the conception, birth, and
20 at any time during the period between conception and birth
21 to enter the name of the father on the certificate of birth,
22 unless the mother files an affidavit, under penalty of perjury,
23 attesting to not knowing who the father is or attesting that
24 she has made a good-faith effort to identify the father but
25 was unable to do so as supported by evidence demonstrating
26 the good-faith effort, or if good cause is shown. The bill
27 provides that if a mother files the affidavit or asserts good
28 cause in refusing to enter the name of the father on the birth
29 certificate, upon receipt of the birth certificate by the state
30 registrar, the state registrar shall forward the claim and any
31 supporting evidence to the department of human services (DHS)
32 for investigation. If the mother's claim and the investigation
33 of the supporting evidence satisfies DHS, DHS is required to
34 grant the exemption and notify the state registrar. The bill
35 specifies what constitutes "good cause", what constitutes

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pf/nh

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1 evidence supporting a claim of "good cause", and directs DHS
2 to adopt rules to specify the documentation necessary for a
3 good-faith effort claim. The affidavits, good cause claim, and
4 supporting evidence are confidential records. The department's
5 decision is final agency action and subject to judicial review.
6 The bill directs DHS to establish as a prerequisite for
7 application for the family investment program or the medical
8 assistance program that the entity receiving the application
9 verifies that any child who is included in the family unit has
10 a completed birth certificate pursuant to Code section 144.13,
11 unless an exemption was granted based on the affidavit filed by
12 the mother or for good cause. If DHS determines that the birth
13 certificate is not complete and an exemption was not granted,
14 the department shall deny the application for assistance and
15 inform the applicant of the denial. The department's decision
16 is final agency action and subject to judicial review.



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House File 319 - Introduced

HOUSE FILE 319
BY STANERSON

A BILL FOR

1 An Act waiving certain hunter safety and ethics education
2 requirements for residents who are active duty military
3 personnel or honorably discharged veterans.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2272YH (3) 85
av/nh



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H.F. 319

1 Section 1. Section 483A.27, subsection 1, Code 2013, is
2 amended to read as follows:

3 1. a. A person born after January 1, 1972, shall not
4 obtain a hunting license unless the person has satisfactorily
5 completed a hunter safety and ethics education course approved
6 by the commission. A person who is eleven years of age or more
7 may enroll in an approved hunter safety and ethics education
8 course, but a person who is eleven years of age and who has
9 successfully completed the course shall be issued a certificate
10 of completion which becomes valid on the person's twelfth
11 birthday. A certificate of completion from an approved hunter
12 safety and ethics education course issued in this state, or a
13 certificate issued by another state, country, or province for
14 completion of a course that meets the standards adopted by the
15 international hunter education association, is valid for the
16 requirements of this section.

17 b. Notwithstanding paragraph "a", the requirement that
18 a person must have a certificate of completion of a hunter
19 safety and ethics education course in order to obtain a hunting
20 license is waived for a person who is a member of the national
21 guard, reserve, or regular component of the armed forces of the
22 United States or for a person who was a member of the national
23 guard, reserve, or regular component of the armed forces of the
24 United States and was honorably discharged.

25 EXPLANATION

26 This bill provides that a person who is a member of the
27 national guard, reserve, or regular component of the armed
28 forces of the United States, or who was a member of the
29 national guard, reserve, or regular component of the armed
30 forces of the United States and was honorably discharged, is
31 not required to complete a hunter safety and ethics education
32 course in order to obtain a hunting license.



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House File 320 - Introduced

HOUSE FILE 320
BY WESSEL-KROESCHELL

A BILL FOR

1 An Act relating to the intentional transmission of a contagious
2 or infectious disease, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1985HH (7) 85
pf/nh



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H.F. 320

1 Section 1. NEW SECTION. 709D.1 Title.

2 This chapter shall be known and may be cited as the
3 *"Contagious or Infectious Disease Transmission Act"*.

4 Sec. 2. NEW SECTION. 709D.2 Definitions.

5 As used in this chapter, unless the context otherwise
6 requires:

7 1. *"Contagious or infectious disease"* means hepatitis in any
8 form, meningococcal disease, AIDS or HIV as defined in section
9 141A.1, or tuberculosis.

10 2. *"Exposes"* means engaging in conduct that poses a
11 substantial risk of transmission, but does not include conduct
12 posing a low or negligible risk of transmission, consistent
13 with guidance issued by the centers for disease control and
14 prevention of the United States department of health and human
15 services.

16 3. *"Practical means to prevent transmission"* means
17 substantial compliance with a treatment regimen prescribed
18 by a health care provider that measurably limits the risk
19 of transmission of the contagious or infectious disease,
20 substantial compliance with behavioral recommendations of
21 the infected person's health care provider or public health
22 officials to measurably limit the risk of transmission of the
23 contagious or infectious disease, or other methods generally
24 accepted by the medical profession to measurably limit the risk
25 of transmission of the contagious or infectious disease, such
26 as use of a medically indicated respiratory mask or use of a
27 prophylactic device.

28 Sec. 3. NEW SECTION. 709D.3 Intentional transmission of a
29 contagious or infectious disease.

30 1. A person commits a class "C" felony when the person
31 knows the person is infected with a contagious or infectious
32 disease and exposes an uninfected person to the contagious or
33 infectious disease with the intent that the uninfected person
34 contract the contagious or infectious disease, and the conduct
35 results in the uninfected person becoming infected with the



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1 contagious or infectious disease.

2 2. A person commits a class "D" felony when the person
3 knows the person is infected with a contagious or infectious
4 disease and exposes an uninfected person to the contagious or
5 infectious disease with the intent that the uninfected person
6 contract the contagious or infectious disease, but the conduct
7 does not result in the uninfected person becoming infected with
8 the contagious or infectious disease.

9 3. A person commits an aggravated misdemeanor when the
10 person knows the person is infected with a contagious or
11 infectious disease and exposes an uninfected person to the
12 contagious or infectious disease acting with a reckless
13 disregard as to whether the uninfected person contracts the
14 contagious or infectious disease, and the conduct results in
15 the uninfected person becoming infected with the contagious or
16 infectious disease.

17 4. The act of becoming pregnant while infected with a
18 contagious or infectious disease, continuing a pregnancy while
19 infected with a contagious or infectious disease, or declining
20 treatment for a contagious or infectious disease during
21 pregnancy shall not constitute a crime under this chapter.

22 5. Evidence that a person knows the person is infected with
23 a contagious or infectious disease and has engaged in conduct
24 that exposes others to the contagious or infectious disease,
25 regardless of the frequency of the conduct, is insufficient
26 on its own to prove the intent to transmit the contagious or
27 infectious disease.

28 6. A person does not act with the intent required pursuant
29 to subsection 1 or 2, or with the reckless disregard required
30 pursuant to subsection 3, if the person takes practical
31 means to prevent transmission, or if the person informs
32 the uninfected person that the person has a contagious
33 or infectious disease and offers to take practical means
34 to prevent transmission but that offer is rejected by the
35 uninfected person subsequently exposed to the infectious or

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1 contagious disease.

2 7. It is an affirmative defense to a charge under this
3 section if the person exposed to the contagious or infectious
4 disease knew that the infected person was infected with the
5 contagious or infectious disease at the time of the exposure
6 and consented to exposure with that knowledge.

7 Sec. 4. Section 141A.9, subsection 2, paragraph i, Code
8 2013, is amended to read as follows:

9 *i.* Pursuant to sections 915.42 and 915.43, to a convicted or
10 alleged sexual assault offender; the physician or other health
11 care provider who orders the test of a convicted or alleged
12 offender; the victim; the parent, guardian, or custodian of the
13 victim if the victim is a minor; the physician of the victim
14 if requested by the victim; the victim counselor or person
15 requested by the victim to provide counseling regarding the
16 HIV-related test and results; the victim's spouse; persons
17 with whom the victim has engaged in vaginal, anal, or oral
18 intercourse subsequent to the sexual assault; members of the
19 victim's family within the third degree of consanguinity; and
20 the county attorney who ~~may use the results as evidence in the~~
21 ~~prosecution of sexual assault under chapter 915, subchapter V,~~
22 ~~or prosecution of the offense of criminal transmission of HIV~~
23 ~~under chapter 709C~~ filed the petition for HIV-related testing
24 under section 915.42. For the purposes of this paragraph,
25 "*victim*" means victim as defined in section 915.40.

26 Sec. 5. Section 692A.101, subsection 1, paragraph a,
27 subparagraph (9), Code 2013, is amended by striking the
28 subparagraph.

29 Sec. 6. Section 692A.102, subsection 1, paragraph c,
30 subparagraph (23), Code 2013, is amended by striking the
31 subparagraph.

32 Sec. 7. Section 915.43, subsections 4 and 5, Code 2013, are
33 amended to read as follows:

34 4. Results of a test performed under this subchapter,
35 except as provided in subsection 13, shall be disclosed only



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1 to the physician or other practitioner who orders the test of
2 the convicted or alleged offender; the convicted or alleged
3 offender; the victim; the victim counselor or person requested
4 by the victim to provide counseling regarding the HIV-related
5 test and results; the physician of the victim if requested by
6 the victim; the parent, guardian, or custodian of the victim,
7 if the victim is a minor; and the county attorney who filed
8 the petition for HIV-related testing under this chapter, ~~who~~
9 ~~may use the results to file charges of criminal transmission~~
10 ~~of HIV under chapter 709C.~~ Results of a test performed under
11 this subchapter shall not be disclosed to any other person
12 without the written informed consent of the convicted or
13 alleged offender. A person to whom the results of a test
14 have been disclosed under this subchapter is subject to the
15 confidentiality provisions of section 141A.9, and shall not
16 disclose the results to another person except as authorized by
17 section 141A.9, subsection 2, paragraph "i".

18 5. If testing is ordered under this subchapter, the court
19 shall also order periodic testing of the convicted offender
20 during the period of incarceration, probation, or parole or of
21 the alleged offender during a period of six months following
22 the initial test if the physician or other practitioner who
23 ordered the initial test of the convicted or alleged offender
24 certifies that, based upon prevailing scientific opinion
25 regarding the maximum period during which the results of an
26 HIV-related test may be negative for a person after being
27 HIV-infected, additional testing is necessary to determine
28 whether the convicted or alleged offender was HIV-infected
29 at the time the sexual assault or alleged sexual assault was
30 perpetrated. The results of the test conducted pursuant to
31 this subsection shall be released only to the physician or
32 other practitioner who orders the test of the convicted or
33 alleged offender, the convicted or alleged offender, the victim
34 counselor or person requested by the victim to provide the
35 counseling regarding the HIV-related test and results who shall

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1 disclose the results to the petitioner, the physician of the
2 victim, if requested by the victim, and the county attorney
3 who may use the results as evidence in the prosecution of the
4 sexual assault or in the prosecution of the offense of criminal
5 transmission of HIV under chapter 709C filed the petition for
6 HIV-related testing under section 915.42.

7 Sec. 8. REPEAL. Chapter 709C, Code 2013, is repealed.

8 EXPLANATION

9 This bill creates the Contagious or Infectious Disease
10 Transmission Act and establishes crimes relating to the
11 intentional transmission of a contagious or infectious disease.

12 The bill provides that a person commits a class "C" felony
13 when the person knows the person is infected with a contagious
14 or infectious disease and exposes an uninfected person to
15 the contagious or infectious disease with the intent that
16 the uninfected person contract the contagious or infectious
17 disease, and the conduct results in the uninfected person
18 becoming infected with the contagious or infectious disease.
19 A class "C" felony is punishable by confinement for no more
20 than 10 years and a fine of at least \$1,000 but not more than
21 \$10,000.

22 A person commits a class "D" felony when the person knows
23 that the person has a contagious or infectious disease and
24 exposes an uninfected person to the contagious or infectious
25 disease with the intent that the uninfected person contract
26 the contagious or infectious disease, but the conduct does
27 not result in the uninfected person becoming infected with
28 the contagious or infectious disease. A class "D" felony is
29 punishable by confinement for no more than five years and a
30 fine of at least \$750 but not more than \$7,500.

31 A person commits an aggravated misdemeanor when the person
32 knows the person is infected with a contagious or infectious
33 disease and exposes an uninfected person to the contagious
34 or infectious disease acting with a reckless disregard as
35 to whether the uninfected person contracts the contagious

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1 or infectious disease, and the conduct results in the
2 uninfected person becoming infected with the contagious or
3 infectious disease. An aggravated misdemeanor is punishable by
4 confinement for no more than two years and a fine of at least
5 \$625 but not more than \$6,250.

6 The bill provides that becoming pregnant while infected with
7 a contagious or infectious disease, continuing a pregnancy
8 while infected with a contagious or infectious disease, or
9 declining treatment for a contagious or infectious disease
10 during pregnancy does not constitute a crime under the bill.
11 The bill also specifies that evidence that a person knows the
12 person is infected with a contagious or infectious disease and
13 has engaged in conduct that exposes others to the contagious or
14 infectious disease, regardless of the frequency of the conduct,
15 is insufficient on its own to prove the intent to transmit
16 the contagious or infectious disease. Additionally, the bill
17 specifies that a person does not act with the intent or the
18 reckless disregard required to commit the crimes specified
19 under the bill if the person takes practical means to prevent
20 transmission, or if the person informs the uninfected person of
21 the person's contagious or infectious disease status and offers
22 to take practical means to prevent transmission but that offer
23 is rejected by the uninfected person subsequently exposed to
24 the infectious or contagious disease. Under the bill, it is an
25 affirmative defense to a charge under the bill if the person
26 exposed to the contagious or infectious disease knew that the
27 infected person was infected with the contagious or infectious
28 disease at the time of the exposure and consented to exposure
29 with that knowledge.

30 The bill also repeals the provision establishing the knowing
31 transmission of the human immunodeficiency virus (HIV) as
32 a crime under Code section 709C.1. Under current Code, a
33 person commits criminal transmission of HIV if the person,
34 knowing that the person's human immunodeficiency virus status
35 is positive, engages in intimate contact with another person;

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1 transfers, donates, or provides the person's blood, tissue,
2 semen, organs, or other potentially infectious bodily fluids
3 for transfusion, transplantation, insemination, or other
4 administration to another person; or dispenses, delivers,
5 exchanges, sells, or in any other way transfers to another
6 person any nonsterile intravenous or intramuscular drug
7 paraphernalia previously used by the person infected with the
8 human immunodeficiency virus. Under current law, criminal
9 transmission of the human immunodeficiency virus is a class "B"
10 felony, which is punishable by confinement for no more than 25
11 years. The bill also makes conforming amendments throughout
12 the Code to eliminate references to the repealed Code section.



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House File 321 - Introduced

HOUSE FILE 321
BY LOFGREN and SCHULTZ

A BILL FOR

1 An Act limiting public retirement benefits for prisoners.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1423YH (3) 85
ec/sc



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H.F. 321

1 Section 1. Section 97A.6, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 17. *Limitations on benefits — prisoners.*

4 *a.* An individual who is otherwise entitled to a retirement
5 allowance under this chapter shall not receive a retirement
6 allowance for any month during which both of the following
7 conditions exist:

8 (1) The individual is confined in a jail, prison, or
9 correctional facility pursuant to the individual's conviction
10 of a felony.

11 (2) The individual has a spouse, or a child or children, as
12 defined in section 97A.1.

13 *b.* The amount of the retirement allowance not paid to the
14 individual under paragraph "a" shall be paid in the following
15 order of priority:

16 (1) To the individual's spouse, if any.

17 (2) If there is no spouse, then to the individual's child or
18 children, as defined in section 97A.1.

19 *c.* This subsection shall not be construed in a manner that
20 impairs the rights of any individual under a marital property,
21 spousal support, or child support order. In addition, this
22 subsection shall not be construed to impair the statutory
23 rights of a governmental entity, including but not limited to
24 the right of a governmental entity to collect an amount for
25 deposit in the victim compensation fund established in chapter
26 915.

27 Sec. 2. NEW SECTION. 97B.49J *Limitations on benefits —*
28 *prisoners.*

29 1. An individual who is otherwise entitled to a retirement
30 allowance under this chapter shall not receive a retirement
31 allowance for any month during which both of the following
32 conditions exist:

33 *a.* The individual is confined in a jail, prison, or
34 correctional facility pursuant to the individual's conviction
35 of a felony.



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- 1 *b.* The individual has a spouse, or a child or children.
- 2 2. The amount of the retirement allowance not paid to the
3 individual under subsection 1 shall be paid in the following
4 order of priority:
- 5 *a.* To the individual's spouse, if any.
- 6 *b.* If there is no spouse, then to the individual's child or
7 children.
- 8 3. This section shall not be construed in a manner that
9 impairs the rights of any individual under a marital property,
10 spousal support, or child support order. In addition, this
11 section shall not be construed to impair the statutory rights
12 of a governmental entity, including but not limited to the
13 right of a governmental entity to collect an amount for deposit
14 in the victim compensation fund established in chapter 915.
- 15 Sec. 3. Section 602.9114, Code 2013, is amended to read as
16 follows:
- 17 **602.9114 Forfeiture of benefits — ~~refund~~ limitations on**
18 **benefits.**
- 19 1. Forfeiture of benefits — refund. If a judge covered
20 under this part is removed for cause other than permanent
21 disability the judge and the judge's survivor shall forfeit the
22 right to any retirement benefits under the system but the total
23 amount in the judge's individual account shall be returned to
24 the judge or the judge's legal representatives within one year
25 of the removal.
- 26 2. Limitations on benefits — prisoners.
- 27 a. An individual who is otherwise entitled to a retirement
28 allowance under this part shall not receive a retirement
29 allowance for any month during which both of the following
30 conditions exist:
- 31 (1) The individual is confined in a jail, prison, or
32 correctional facility pursuant to the individual's conviction
33 of a felony.
- 34 (2) The individual has a spouse, or a child or children.
- 35 b. The amount of the retirement allowance not paid to the



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1 individual under paragraph "a" shall be paid in the following
2 order of priority:

3 (1) To the individual's spouse, if any.

4 (2) If there is no spouse, then to the individual's child
5 or children.

6 c. This subsection shall not be construed in a manner that
7 impairs the rights of any individual under a marital property,
8 spousal support, or child support order. In addition, this
9 subsection shall not be construed to impair the statutory
10 rights of a governmental entity, including but not limited to
11 the right of a governmental entity to collect an amount for
12 deposit in the victim compensation fund established in chapter
13 915.

14 EXPLANATION

15 This bill provides that an individual otherwise eligible for
16 a pension under the public safety peace officers' retirement,
17 accident, and disability system (PORS) under Code chapter 97A,
18 the Iowa public employees' retirement system (IPERS) under
19 Code chapter 97B, or the judicial retirement system under Code
20 chapter 602, would be ineligible for benefits for that period
21 when the individual is incarcerated due to a conviction for a
22 felony. The bill provides that the individual's pension would
23 be paid to the individual's spouse, if any, and then to any
24 children of the individual. However, if no spouse or children
25 exist, then the pension remains payable to the individual.
26 The bill does provide, however, that the new provisions do
27 not impair the right of a person entitled to an amount from
28 the member pursuant to a marital property, spousal support,
29 or child support agreement and do not impair the statutory
30 rights of a governmental entity. Current law provides for
31 this limitation on benefits for individuals receiving a
32 pension under the statewide fire and police retirement system
33 established under Code chapter 411.

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ec/sc

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House File 322 - Introduced

HOUSE FILE 322
BY COWNIE

A BILL FOR

1 An Act relating to temporary licenses for sign language
2 interpreters or transliterators.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2354YH (2) 85
jr/nh



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1 Section 1. Section 154E.3A, Code 2013, is amended to read
2 as follows:

3 **154E.3A Temporary license.**

4 ~~Beginning July 1, 2007, an~~ An individual who does not meet
5 the requirements for licensure by examination pursuant to
6 section 154E.3 may apply for or renew a temporary license. The
7 temporary license shall authorize the licensee to practice as a
8 sign language interpreter or transliterator under the direct
9 supervision of a sign language interpreter or transliterator
10 licensed pursuant to section 154E.3. The temporary license
11 shall be valid for two years and may only be renewed one time in
12 accordance with standards established by rule. An individual
13 shall not practice for more than a total of four years under a
14 temporary license. The board may revoke a temporary license
15 if it determines that the temporary licensee has violated
16 standards established by rule. The board ~~may~~ shall adopt
17 requirements for temporary licensure to implement this section,
18 including a requirement that the applicant has completed an
19 interpreter training program.

20 EXPLANATION

21 This bill requires that applicants for temporary licensure
22 as a sign language interpreter or transliterator to have
23 completed an interpreter training program.



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House File 323 - Introduced

HOUSE FILE 323
BY KEARNS

A BILL FOR

1 An Act relating to property taxes levied by a township for the
2 improvement and maintenance of certain cemeteries.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2367YH (2) 85
md/sc



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H.F. 323

1 Section 1. Section 359.33, Code 2013, is amended to read as
2 follows:

3 **359.33 Tax for nonowned cemetery.**

4 They may levy a tax ~~not to exceed six and three-fourths cents~~
5 ~~per thousand dollars of assessed value of taxable property~~
6 sufficient to improve and maintain any cemetery located in the
7 township and not owned by the township, provided the same is
8 devoted to general public use.

9 EXPLANATION

10 Current Code section 359.33 authorizes a township to levy
11 a property tax of six and three-fourths cents per \$1,000 of
12 assessed value of taxable property in the township to pay for
13 the improvement and maintenance of any cemetery that is not
14 owned by the township if the cemetery is devoted to general
15 public use. This bill strikes the six and three-fourths cents
16 per \$1,000 levy rate and authorizes the township to levy an
17 amount sufficient to maintain any cemetery located in the
18 township and not owned by the township if the cemetery is
19 devoted to general public use.



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House File 324 - Introduced

HOUSE FILE 324
BY COMMITTEE ON ECONOMIC
GROWTH

(SUCCESSOR TO HSB 63)

A BILL FOR

1 An Act relating to the termination of the targeted small
2 business financial assistance program and transferring funds
3 for assistance to targeted small businesses.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1272HV (2) 85
ad/sc



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H.F. 324

1 Section 1. Section 8.6, subsection 12, Code 2013, is amended
2 to read as follows:

3 12. *Targeted small businesses.* To assist the director
4 of the economic development authority as requested in the
5 establishment and implementation of the Iowa targeted small
6 business procurement Act ~~and the targeted small business loan~~
7 ~~guarantee program.~~

8 Sec. 2. Section 15.107B, subsection 2, paragraph c, Code
9 2013, is amended by striking the paragraph.

10 Sec. 3. Section 15.108, subsection 7, paragraph c,
11 unnumbered paragraph 1, Code 2013, is amended to read as
12 follows:

13 Aid for the development and implementation of the Iowa
14 targeted small business procurement Act established in sections
15 73.15 through 73.21 ~~and the targeted small business financial~~
16 ~~assistance program established in section 15.247.~~

17 Sec. 4. Section 15.108, subsection 7, paragraph c,
18 subparagraph (1), subparagraph division (c), Code 2013, is
19 amended by striking the subparagraph division.

20 Sec. 5. Section 15.108, subsection 7, paragraph c,
21 subparagraphs (3) and (5), Code 2013, are amended by striking
22 the subparagraphs.

23 Sec. 6. Section 15.240, subsection 2, paragraph f, Code
24 2013, is amended by striking the paragraph.

25 Sec. 7. Section 15.313, subsection 2, paragraph c, Code
26 2013, is amended by striking the paragraph.

27 Sec. 8. Section 73.20, Code 2013, is amended to read as
28 follows:

29 **73.20 Determination of ability to perform.**

30 Before announcing a contract award pursuant to the targeted
31 small business procurement goal program, the purchasing
32 authority shall evaluate whether the targeted small business
33 scheduled to receive the award is able to perform the contract.
34 This determination shall include consideration of production
35 and financial capacity and technical competence. If the

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1 purchasing authority determines that the targeted small
2 business may be unable to perform, the director of the economic
3 development authority shall be notified and shall assist the
4 targeted small business pursuant to section 15.108, subsection
5 7, paragraph "c", subparagraph (3).

6 Sec. 9. REPEAL. Section 15.247, Code 2013, is repealed.

7 Sec. 10. TRANSITION UPON REPEAL.

8 1. Upon repeal of the targeted small business financial
9 assistance program established in section 15.247, the authority
10 shall transfer all unencumbered and unobligated moneys accruing
11 to the authority pursuant to existing agreements to a fund
12 established by the authority in the state treasury under
13 the control of the authority pursuant to section 15.106A,
14 subsection 1, paragraph "o", to be used for the purposes of
15 providing assistance to targeted small businesses pursuant to
16 subsection 3 of this section of this Act.

17 2. Loan payments or repayments and recaptures of principal,
18 interest, or other moneys accruing to the authority on or after
19 June 30, 2013, pursuant to an agreement under section 15.247,
20 shall be transferred to a fund established by the authority in
21 the state treasury under the control of the authority pursuant
22 to section 15.106A, subsection 1, paragraph "o", to be used
23 for the purposes of providing assistance to targeted small
24 businesses pursuant to subsection 3 of this section of this
25 Act.

26 3. a. From the moneys transferred pursuant to subsections 1
27 and 2, the authority shall procure the services of a qualified
28 microloan service provider to provide financial and technical
29 assistance to targeted small businesses in Iowa.

30 b. The authority shall enter into an agreement with a
31 microloan service provider for the provision of services to
32 targeted small businesses. The agreement shall provide for
33 an initial performance period of three years. In engaging
34 the services of a qualified microloan service provider, the
35 authority shall require the service provider to offer financial

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1 and technical assistance to targeted small businesses at a
2 discounted rate. The authority shall ensure that the moneys
3 transferred for purposes of this subsection are used to
4 subsidize the provision of financial and technical assistance
5 by the microloan service provider to targeted small businesses
6 in order for the microloan service provider to offer its
7 services at a discounted rate.

8 c. The authority shall, upon completion of the initial
9 performance period and the other applicable terms of the
10 agreement with the microloan service provider, submit a report
11 to the general assembly and the governor's office describing
12 the results achieved by the service provider and shall make
13 recommendations as to whether the state should continue to
14 provide funds for future fiscal years for the purpose of
15 providing financial and technical assistance to targeted
16 small businesses through the services of a microloan service
17 provider.

18 d. For purposes of this subsection, "targeted small
19 business" means the same as defined in section 15.102.

20 EXPLANATION

21 This bill terminates the targeted small business financial
22 assistance program and transfers funds to the economic
23 development authority for the services of a microloan service
24 provider to assist targeted small businesses.

25 The Code defines a targeted small business as a small
26 business that is 51 percent or more owned, operated, and
27 actively managed by a minority person, a person with a
28 disability, or a woman. A targeted small business must also be
29 located in the state, operated for profit, and have an average
30 annual gross income of less than \$4 million over the three
31 preceding fiscal years. The targeted small business financial
32 assistance program is a program that provides loan-based
33 financing and grants to eligible targeted small businesses
34 through the strategic investment fund created in Code section
35 15.313. The bill terminates the targeted small business

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ad/sc

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1 financial assistance program, as well as the program's board,
2 and the targeted small business advocate service provider which
3 provided mentoring, outreach, and professional development
4 services to certified targeted small businesses.

5 The bill allows the economic development authority, upon
6 repeal of the program, to transfer all unencumbered and
7 unobligated moneys as well as loan payments or repayments
8 and recaptures of principal, interest, or other moneys
9 accruing from an existing agreement entered into under the
10 targeted small business financial assistance program to a fund
11 established by the economic development authority.

12 The bill requires the authority to use the moneys
13 transferred to provide assistance to targeted small businesses
14 through the procurement of the services of a qualified
15 microloan service provider that will provide financial and
16 technical assistance to targeted small businesses in Iowa.

17 The bill provides that the economic development authority
18 shall enter into an agreement with a microloan service provider
19 for the provision of financial and technical services to
20 targeted small businesses. The economic development authority
21 shall require that the microloan service provider offer
22 such assistance to targeted small businesses at a discounted
23 rate, and the transferred moneys shall be used to enable the
24 microloan service provider to offer that discounted rate. The
25 agreement shall provide for a three-year initial performance
26 period.

27 After completion of the initial performance period, the
28 bill requires the economic development authority to submit
29 a report to the governor and the general assembly with the
30 results achieved by the service provider and recommendations
31 as to whether the state should continue to provide funds for
32 future fiscal years for the purpose of providing assistance to
33 targeted small businesses through a microloan service provider.



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House Resolution 20 - Introduced

HOUSE RESOLUTION NO. 20

BY JACOBY and BYRNES

1 A Resolution opposing the decision of the International
2 Olympic Committee to end wrestling as an Olympic
3 event.

4 WHEREAS, the sport of wrestling, which combines both
5 freestyle and Greco-Roman events, goes back to the
6 ancient times of Plato and the first modern Olympics in
7 Athens in 1896; and

8 WHEREAS, over the last century, wrestling expanded
9 to feature 344 athletes competing in 11 medal events
10 in freestyle and seven in Greco-Roman at the London
11 Olympics, and women's wrestling was added at the 2004
12 Athens Games; and

13 WHEREAS, Iowa has a rich heritage in the sport
14 of wrestling at all levels, including a premier high
15 school program and world-class collegiate programs; and

16 WHEREAS, Iowa has produced 23 Olympic medalists —
17 12 gold, five silver, and six bronze; and

18 WHEREAS, the action of the International Olympic
19 Committee threatens the future of a sport practiced
20 for three millennia and threatens the future of Iowa's
21 college and high school wrestling programs, which have
22 been carefully developed over the last 50 years; NOW
23 THEREFORE,

24 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
25 the House of Representatives opposes the action of the
26 International Olympic Committee to end wrestling as
27 an Olympic event and urges that body to reconsider its
28 action.

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House Study Bill 172 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act relating to the penalties for the criminal offense of
2 sexual exploitation of a minor by the purchase or possession
3 of child pornography.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2462YC (2) 85
jm/rj



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H.F. _____

1 Section 1. Section 728.12, subsection 3, Code 2013, is
2 amended to read as follows:
3 3. a. It shall be unlawful to knowingly purchase or possess
4 a visual depiction of a minor engaging in a prohibited sexual
5 act or the simulation of a prohibited sexual act. A visual
6 depiction containing pictorial representations of different
7 minors shall be prosecuted and punished as separate offenses
8 for each pictorial representation of a different minor in the
9 visual depiction. However, violations of this subsection
10 involving multiple visual depictions of the same minor shall be
11 prosecuted and punished as one offense. A Except as provided
12 in paragraph "b", a person who commits a violation of this
13 subsection commits an aggravated misdemeanor a class "D" felony
14 for a first offense and a class "D" "C" felony for a second
15 or subsequent offense. For purposes of this subsection, an
16 offense is considered a second or subsequent offense if, prior
17 to the person's having been convicted under this subsection,
18 any of the following apply:
19 a. (1) The person has a prior conviction or deferred
20 judgment under this subsection.
21 b. (2) The person has a prior conviction, deferred
22 judgment, or the equivalent of a deferred judgment in another
23 jurisdiction for an offense substantially similar to the
24 offense defined in this subsection. The court shall judicially
25 notice the statutes of other states that define offenses
26 substantially similar to the offense defined in this subsection
27 and that therefore can be considered corresponding statutes.
28 b. For a first offense violation of paragraph "a", a person
29 twenty-one years of age or younger commits an aggravated
30 misdemeanor if the minor shown in the visual depiction gave or
31 sent the visual depiction to the person without being solicited
32 to do so by the person who received it, the person is not more
33 than four years older than the minor, and the person maintains
34 possession of the visual depiction but does not give, send, or
35 disseminate the visual depiction to another.

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EXPLANATION

1

2 This bill relates to the penalties for the criminal offense
3 of sexual exploitation of a minor by the purchase or possession
4 of child pornography.

5 The bill increases the criminal penalty in most instances
6 for knowingly purchasing or possessing a visual depiction of
7 a minor engaged in a prohibited sexual or simulated sexual
8 act. For a first offense violation, the bill increases the
9 criminal penalty from an aggravated misdemeanor to a class
10 "D" felony. However, for a first offense violation, a person
11 21 years of age or younger commits an aggravated misdemeanor
12 if the minor shown in the visual depiction gave or sent the
13 visual depiction, unsolicited, the person is not more than four
14 years older than the minor, and the person maintains the visual
15 depiction but does not give, send, or disseminate the visual
16 depiction to another. For any second or subsequent violation,
17 the bill increases the criminal penalty from a class "D" felony
18 to a class "C" felony.

19 Under the bill, by increasing the criminal penalty from a
20 class "D" felony to a class "C" felony, a person convicted
21 of a second or subsequent offense of sexual exploitation
22 of a minor in violation of Code section 728.12(3) is also
23 required to serve a special sentence for the rest of the
24 person's life under Code section 903B.1. Current law requires
25 a person convicted of a first or subsequent offense of sexual
26 exploitation of a minor in violation of Code section 728.12(3)
27 to serve a 10-year special sentence under Code section 903B.2.

28 A person serving a special sentence is required to register
29 as a sex offender for a period equal to the term of the special
30 sentence, but in no case shall the person register as a sex
31 offender for less than 10 years pursuant to Code section
32 692A.106(2).

33 An aggravated misdemeanor is punishable by confinement for
34 no more than two years and a fine of at least \$625 but not more
35 than \$6,250. A class "D" felony is punishable by confinement

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1 for no more than five years and a fine of at least \$750 but
2 not more than \$7,500. A class "C" felony is punishable by
3 confinement for no more than 10 years and a fine of at least
4 \$1,000 but not more than \$10,000.



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House Study Bill 173 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act relating to the statute of limitations period in an
2 action arising out of the unsafe or defective condition of
3 an improvement to real property.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2190HC (1) 85
rh/sc



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H.F. _____

1 Section 1. Section 614.1, subsection 11, Code 2013, is
2 amended to read as follows:
3 11. *Improvements to real property.* In addition to
4 limitations contained elsewhere in this section, an action
5 arising out of the unsafe or defective condition of an
6 improvement to real property based on tort and implied warranty
7 and for contribution and indemnity, and founded on injury to
8 property, real or personal, or injury to the person or wrongful
9 death, shall not be brought more than fifteen years after the
10 date on which ~~occurred~~ the act or omission of the defendant
11 alleged in the action to have been the cause of the injury or
12 death occurred, or within three years after the act or omission
13 of the defendant alleged in the action to have been the cause
14 of the injury or death is discovered or by the exercise of
15 reasonable diligence should have been discovered, whichever
16 is earlier. However, this subsection does not bar an action
17 against a person solely in the person's capacity as an owner,
18 occupant, or operator of an improvement to real property.

19 EXPLANATION

20 Under current law, the statute of limitations period in
21 an action arising out of the unsafe or defective condition
22 of an improvement to real property must be brought no later
23 than 15 years after the date on which the act or omission of
24 the defendant alleged in the action to have been the cause
25 of the injury or death occurred. The bill provides that an
26 action relating to improvements to real property arising out
27 of the unsafe or defective condition of an improvement to
28 real property must be brought within the 15-year limitation
29 period or within three years after the act or omission of the
30 defendant alleged in the action to have been the cause of the
31 injury or death is discovered or by the exercise of reasonable
32 diligence should have been discovered, whichever is earlier.



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House Study Bill 174 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act authorizing alternate members of the board of parole.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2282YC (3) 85
ec/sc



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1 Section 1. NEW SECTION. 904A.2A Board of parole —
2 alternate members.

3 1. Notwithstanding sections 17A.11, 69.16, and 69.16A,
4 the board of parole may have a pool of alternate members to
5 substitute for board members who are disqualified or become
6 unavailable for any other reason for hearings. The board may
7 recommend, subject to approval by the governor, up to five
8 people to serve in the pool of alternate members who meet the
9 requirements of section 904A.2.

10 2. A person serves in the pool of alternate members at
11 the discretion of the board. However, the length of time an
12 alternate member may serve in the pool shall not exceed four
13 years. A person who serves as an alternate member may later be
14 appointed to the board and may serve four years, in accordance
15 with section 904A.1. A former board of parole member may serve
16 in the pool of alternate members.

17 3. When a sufficient number of board of parole members are
18 unavailable to hear a case, the board of parole may request
19 alternate members to serve.

20 4. Notwithstanding sections 17A.11 and 904A.1:

21 a. An alternate member is deemed a member of the board
22 of parole only for the hearing panel for which the alternate
23 member serves.

24 b. The majority of a hearing panel containing alternate
25 members shall be members of the board.

26 c. A decision of a hearing panel containing alternate
27 members is considered a final decision of the board.

28 5. An alternate member shall not receive compensation in
29 excess of that authorized by law for a board of parole member
30 who is not the chairperson or vice chairperson of the board of
31 parole.

32 EXPLANATION

33 This bill authorizes the board of parole to have a pool of up
34 to five alternate members, recommended by the board of parole
35 and subject to approval by the governor, to substitute for

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1 board members who are disqualified or become unavailable for
2 any other reason for hearings. The bill requires the alternate
3 members to meet the requirements applicable to board members
4 as provided in section 904A.2.

5 The term of an alternate member is four years, the same
6 as for regular members of the board of parole. An alternate
7 member can be appointed to the board after serving as an
8 alternate, and an alternate member can be a former member of
9 the board of parole.

10 The bill provides that the board of parole determines when an
11 alternate may serve. The bill still requires that a majority
12 of members of a hearing panel of the board of parole shall be
13 members of the board of parole and not alternates. A decision
14 of the board of parole with alternate members is considered
15 a final decision of the board. Compensation for alternate
16 members who serve shall be no more than members of the board of
17 parole who are not the chair or vice-chair of the board.



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House Study Bill 175 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act relating to estates and trusts and including retroactive
2 and other applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1114YC (9) 85
rh/rj



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1 Section 1. NEW SECTION. 633.273A Disposition of failed
2 devise.

3 Unless from the terms of the will the intent is clear and
4 explicit to the contrary, and except as provided in section
5 633.273:

6 1. A devise, other than a residuary devise, that fails for
7 any reason becomes a part of the residuary estate.

8 2. If the residuary estate is devised to two or more
9 persons, the share of a residuary devisee that fails for any
10 reason passes to the other residuary devisee or to the other
11 residuary devisees in proportion to the interest of each in the
12 remaining part of the residuary estate.

13 Sec. 2. Section 633.279, subsection 2, paragraph a, Code
14 2013, is amended by striking the paragraph and inserting in
15 lieu thereof the following:

16 a. An attested will may be made self-proved at the time of
17 its execution, or at any subsequent date, by the acknowledgment
18 thereof by the testator and the affidavits of the witnesses,
19 each made before a person authorized to administer oaths
20 and take acknowledgments under the laws of this state, and
21 evidenced by such person's certificate, under seal, attached
22 or annexed to the will, in form and content substantially as
23 follows:

24 Affidavit

25 State of.....)

26 County of.....) ss

27 We, the undersigned,, and, the
28 testator and the witnesses, respectively, whose names are
29 signed to the attached or foregoing instrument, being first
30 duly sworn, declare to the undersigned authority that at the
31 date of the instrument, we all knew the identity of each other;
32 the instrument was exhibited to the witnesses by the testator,
33 who declared it to be the testator's last will and testament
34 and was signed by the testator or by another at the direction
35 of the testator at, in the County of, State

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1 of, on the date shown in the instrument, and in the
2 presence of each other as subscribing witnesses; that we, as
3 witnesses, declare to the undersigned authority that in our
4 presence the testator executed and acknowledged such will as
5 the testator's will and that we, in the testator's presence, at
6 the testator's request, and in the presence of each other, did
7 subscribe our names thereto as attesting witnesses on the date
8 of such will; and that the witnesses were sixteen years of age
9 or older.

10

11 Testator

12

13 Witness

14

15 Witness

16

17 Subscribed, sworn and acknowledged before me by, the
18 testator; and subscribed and sworn before me by and
19, witnesses, this ... day of (month), ... (year)
20

21

22 Notary Public, or other notarial
23 officer authorized to take
24 (Stamp) and certify acknowledgments
25 and administer oaths

26 Sec. 3. Section 633.290, Code 2013, is amended to read as
27 follows:

28 **633.290 ~~Petition for probate of will~~ Petitions after death**
29 **of testator.**

30 ~~1. At the time the will of a decedent is filed with the~~
31 ~~clerk, or thereafter,~~ After the death of the testator, any
32 interested person may file a verified petition in the district
33 court of the proper county for any of the following:

34 ~~1- a.~~ a. To have the will admitted to probate~~7.~~

35 ~~2- b.~~ b. For the appointment of the executor.

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1 c. To request a hearing before the will is admitted to
2 probate.
3 d. To request a hearing before the appointment of the
4 executor.
5 e. For the production of the purported will of the decedent
6 to be filed by the person believed by the petitioner to be in
7 possession of the will.
8 2. A petition for probate may be combined with a petition
9 for appointment of the executor, and any person interested
10 in either the probate of a will or in the appointment of
11 the executor, may petition for both Petitions for any of the
12 reasons specified in subsection 1 may be combined.
13 Sec. 4. Section 633.295, Code 2013, is amended to read as
14 follows:
15 **633.295 Testimony of witnesses.**
16 The proof may be made by the oral or written testimony of
17 one or more of the subscribing witnesses to the will. If such
18 testimony is in writing, it shall be substantially in the
19 following form executed and sworn to after the death of the
20 decedent:
21 In the District Court of Iowa
22 In and for County
23 In the Matter of the Estate of
24, Deceased
25 Probate No.
26 Testimony of Subscribing
27 Witness on Probate of Will.
28 State of)
29 County) ss
30 I,, being first duly sworn, state:
31 I reside in the County of, State of; I knew
32 the identity of the testator on the day of (month),
33 ... (year), the date of the instrument, the original or exact
34 reproduction of which is attached hereto, now shown to me,
35 and purporting to be the last will and testament of the said

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1 , deceased; I am one of the subscribing witnesses
2 to said instrument; at the said date of said instrument, I
3 knew the identity of , the other subscribing witness;
4 that said instrument was exhibited to me and to the other
5 subscribing witness by the testator, who declared the same to
6 be the testator's last will and testament, and was signed by
7 the testator at , in the County of , State of
8 , on the date shown in said instrument, in the presence
9 of myself and the other subscribing witness; and the other
10 subscribing witness and I then and there, at the request of the
11 testator, in the presence of said testator and in the presence
12 of each other, subscribed our names thereto as witnesses.

13

14 Name of witness

15

16 Address

17 Subscribed and sworn to before me this ... day of

18 (month), ... (year)

19

.....

20

Notary Public in and for

21 (Stamp)

the State of

22 Sec. 5. Section 633.356, subsection 3, paragraph c, Code
23 2013, is amended to read as follows:

24 c. That the gross value of the decedent's personal property
25 that would otherwise be distributed by will or intestate
26 succession does not exceed twenty-five thousand dollars and
27 there is no real property or the real property passes to
28 persons exempt from inheritance tax pursuant to section 450.9
29 as joint tenants with right of survivorship.

30 Sec. 6. Section 633.575, Code 2013, is amended by adding the
31 following new subsection:

32 NEW SUBSECTION. 7. If the court determines upon application
33 that it is appropriate or necessary, the court may order that
34 the attorney appointed pursuant to this section be given copies
35 of and access to the proposed ward's health information by

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1 describing with reasonable specificity the health information
2 to be disclosed or accessed, for the purpose of fulfilling the
3 attorney's responsibilities pursuant to this section.

4 Sec. 7. Section 633A.4504, subsection 3, Code 2013, is
5 amended to read as follows:

6 3. Any claim for breach of trust against a trustee who
7 has presented an accounting or report to a beneficiary more
8 than one year prior to July 1, ~~2011~~ 2000, shall be time barred
9 unless some exception stated in this section applies which
10 tolls the statute. Any claim arising under this section within
11 one year of July 1, ~~2011~~ 2000, shall be time barred after one
12 year unless an exception applies to toll the statute.

13 Sec. 8. Section 635.1, Code 2013, is amended to read as
14 follows:

15 **635.1 When applicable.**

16 When the gross value of the probate assets of a decedent
17 subject to the jurisdiction of this state does not exceed one
18 hundred thousand dollars, and upon a petition as provided in
19 section 635.2 of an authorized petitioner in accordance with
20 ~~section~~ sections 633.227, and 633.228, or section 633.290,
21 subsection 1, paragraph "a" or "b", the clerk shall issue
22 letters of appointment for administration to the proposed
23 personal representative named in the petition, if qualified to
24 serve pursuant to section 633.63 or upon court order pursuant
25 to section 633.64. Unless otherwise provided in this chapter,
26 the provisions of chapter 633 apply to an estate probated
27 pursuant to this chapter.

28 **Sec. 9. APPLICABILITY.**

29 1. The sections of this Act amending sections 633.273A,
30 633.279, and 633.295 apply to estates of decedents dying on or
31 after July 1, 2013.

32 2. The sections of this Act amending sections 633.290 and
33 635.1 apply to petitions filed on or after July 1, 2013.

34 3. The section of this Act amending section 633.575 applies
35 to all judicial proceedings held on or after July 1, 2013, in

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1 which an order for the appointment of a conservatorship is
2 sought or has been issued.

3 4. The section of this Act amending section 633A.4504
4 applies retroactively to all reports and accountings provided
5 by a trustee, unless an exception applies, to one year from
6 July 1, 2000.

7 EXPLANATION

8 PROBATE CODE.

9 DISPOSITION OF FAILED DEVISE. This bill creates new Code
10 section 633.273A. New subsection 1 codifies the common law
11 concept of lapse that applies in a situation where a devisee
12 (beneficiary) named in a will dies before the testator (person
13 who creates the will). In such a situation, the testator's
14 estate (property) passes to the testator's residuary estate
15 (any portion of the testator's estate not specifically devised
16 in a will). New subsection 2 reverses the common law doctrine
17 of "no residue of a residue" that addresses the situation
18 where a residuary (devisee) dies before the testator and the
19 testator's residuary estate passes as though the testator died
20 intestate (without a will). The bill provides that if the
21 residuary estate is devised to two or more devisees and one
22 devisee has died, then the entire residuary estate is passed to
23 the surviving residuary devisee or devisees. These provisions
24 apply except as provided in Code section 633.273 relating to
25 devises to certain relatives of the testator who survive the
26 testator (Iowa's anti-lapse statute) and unless the terms of
27 the will explicitly provide otherwise. This provision applies
28 to all decedents dying on or after July 1, 2013.

29 SELF-PROVING WILL AFFIDAVIT. The bill amends Code
30 section 633.279, subsection 2, relating to the execution of a
31 self-proving will which allows the testator and witnesses to
32 the will to submit a notarized affidavit. The bill amends the
33 language of the affidavit to make the language consistent with
34 the language of a formal will execution. A conforming change
35 is made to Code section 633.295 relating to the testimony of

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1 witnesses to the will. The amendments apply to estates of
2 decedents dying on or after July 1, 2013.

3 PETITIONS FILED AFTER DEATH OF TESTATOR. Current Code
4 section 633.290 provides that after a testator (person who
5 executed a will) dies, any interested person may file a
6 petition with the court to admit the will to probate or to have
7 an executor appointed. The bill expands the scope of this
8 Code section to also allow any interested person to file a
9 petition with the court to request a hearing before the will
10 is admitted to probate or before an executor is appointed, and
11 for the production of the decedent's purported will. Petitions
12 for any of the reasons specified may be combined. The bill
13 makes a conforming change to Code section 635.1, relating to
14 the administration of small estates. These provisions apply to
15 petitions filed on or after July 1, 2013.

16 DISTRIBUTION OF PROPERTY BY AFFIDAVIT. The bill amends Code
17 section 633.356, subsection 3, relating to the distribution of
18 property by affidavit in certain situations where the gross
19 value of the decedent's personal property that would otherwise
20 be distributed does not exceed \$25,000. The bill adds the
21 words "that would otherwise be distributed by will or intestate
22 succession" consistent with changes made to this Code section
23 in 2010 Iowa Acts, chapter 1137 (HF 2483).

24 CONSERVATORSHIP PROCEEDINGS — APPOINTED ATTORNEY ACCESS
25 TO HEALTH INFORMATION. The bill provides that if the court
26 determines it would be in a ward's best interest to have legal
27 representation with respect to conservatorship proceedings, the
28 court may order that the attorney appointed be given copies
29 of and access to the proposed ward's health information by
30 describing with reasonable specificity the health information
31 to be disclosed or accessed, for the purpose of fulfilling the
32 attorney's responsibilities. This provision applies to all
33 judicial proceedings, in which an order for the appointment
34 of a conservatorship is sought or has been issued, held on or
35 after July 1, 2013.

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H.F. _____

1 TRUST CODE — LIMITATION OF ACTION AGAINST TRUSTEE. Current
2 law in Code section 633A.4504 bars a lawsuit against a trustee
3 for breach of trust unless the lawsuit is filed within one
4 year after the beneficiary's receipt of the final accounting
5 or report of the trustee. This law was enacted as a transition
6 provision barring claims against trustees who provided reports
7 to beneficiaries before the trust code was enacted in 2000 to
8 provide that the statute-of-limitation period was one year from
9 July 1, 2000. In 2012 Iowa Acts chapter 1123 (HF 609), the
10 year was amended to July 1, 2011. The bill amends this date
11 retroactively applicable to July 1, 2000.



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House Study Bill 176 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act relating to identity theft, and providing a penalty.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1820YC (1) 85
rn/nh



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H.F. _____

1 Section 1. Section 715A.8, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 2A. Notwithstanding subsection 2, a
4 person of the applicable age indicated in this subsection who
5 knowingly takes, purchases, manufactures, records, possesses,
6 uses, or attempts to take, purchase, manufacture, record,
7 possess, or use identification information of another person
8 or entity for the following purposes may be considered to have
9 violated the applicable statute or ordinance governing such
10 purposes but shall not be considered to have committed any
11 offense of identity theft under this section:

12 a. Possession or purchase of alcohol by a person under the
13 age of twenty-one.

14 b. Entry by a person under the age of twenty-one onto the
15 premises of an establishment where one may purchase alcoholic
16 beverages as defined in section 123.3 for consumption on the
17 premises and in which the serving of food is only incidental to
18 the consumption of those beverages.

19 c. Entry by a person under the age of seventeen onto the
20 premises of a motion picture theater for the viewing of a
21 motion picture which is prohibited to be viewed by persons
22 under the age of seventeen.

23 d. Possession or purchase of cigarettes or tobacco products
24 by a person under the age of eighteen.

25 e. Entry by a person under the age of twenty-one onto the
26 premises of a racetrack, excursion boat, or gambling structure.

27 f. Entry by a person under the age of eighteen onto
28 the premises of a business establishment other than an
29 establishment identified in paragraph "b", "c", or "e" where
30 such entry is prohibited by persons under the age of eighteen.

31 g. Obtaining employment in violation of chapter 92.

32 Sec. 2. Section 715A.8, subsection 3, Code 2013, is amended
33 by striking the subsection and inserting in lieu thereof the
34 following:

35 3. A person who violates this section commits a class "D"

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H.F. _____

1 felony.

2 EXPLANATION

3 This bill relates to the offense of identity theft.

4 The bill provides that persons of specified ages who
5 knowingly take, purchase, manufacture, record, possess, or use
6 identification information, or who attempt to do so, for a
7 designated list of offenses may be considered to have violated
8 the applicable statute or ordinance relating to that offense,
9 but shall not be considered to have committed identify theft
10 under Code section 715A.8. The offenses in general relate to
11 underage possession of alcohol, underage entry onto premises
12 where alcohol is served, underage entry onto the premises of
13 a motion picture, underage possession or purchase of tobacco,
14 underage entry onto the premises of a gambling establishment,
15 underage entry onto the premises of any other business
16 establishment with age restrictions attached, and obtaining
17 employment in violation of child labor laws specified in Code
18 chapter 92.

19 The bill additionally states that a violation of the
20 identity theft provisions in Code section 715A.8 constitutes
21 a class "D" felony. Currently, the Code section specifies
22 that if the value of credit, property, or services for which
23 identity theft was utilized exceeds \$1,000, the violation
24 constitutes a class "D" felony, and if below that amount the
25 violation constitutes an aggravated misdemeanor. A class "D"
26 felony is punishable by confinement for no more than five years
27 and a fine of at least \$750 but not more than \$7,500.



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House Study Bill 177 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON GRASSLEY)

A BILL FOR

1 An Act requiring the department of natural resources to
2 establish and administer a pilot project to lease certain
3 grazing land, and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1972YC (4) 85
da/nh



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H.F. _____

1 Section 1. NEW SECTION. 456A.38 Leasing of grazing land
2 pilot project — report.

3 The department shall establish and administer a leasing of
4 grazing land pilot project as provided in this section.

5 1. In administering the project, the department shall do all
6 of the following:

7 a. Select at least ten tracts of land that the department
8 holds, controls, or manages in this state. To every extent
9 practicable, each tract shall be located in a different region
10 of the state as established by the department. Nothing in
11 this section requires that the regions be uniform in size.
12 The department shall determine the size of each tract that it
13 leases. However, a tract shall not be more than five hundred
14 acres. Each tract shall be selected in order to accomplish the
15 following goals:

16 (1) Remove excess mature vegetation and allow for the
17 regeneration of the land's natural habitat in a manner that
18 preserves water quality.

19 (2) Provide economical forage for profitable livestock
20 production which shall allow for flash grazing whenever
21 practical.

22 b. The department shall establish a procedure for selecting
23 livestock producers to participate in the project, which may
24 be by bid awarded in the same manner as provided in 571 IAC ch.
25 21. However, the department shall provide a preference to a
26 beginning farmer as defined in section 175.2 who is currently
27 engaged in livestock production.

28 2. The department shall prepare and execute leases with
29 livestock producers. Nothing in this section requires the
30 department to adopt a uniform lease. The lease shall provide
31 for all terms, restrictions, and conditions of the tract of
32 land's use, so long as practices utilized by the livestock
33 producer are compatible with the department's policies related
34 to resource management and outdoor recreation. The amount
35 of any lease payment required by the department shall not

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1 discourage participation by beginning farmers. A lease shall
2 not be for more than five years in duration. The department
3 shall not lease more than five hundred acres to any one
4 livestock producer.

5 3. The department shall prepare and submit a report to the
6 governor and the general assembly not later than January 15.
7 The report shall be submitted in an electronic format. It
8 shall include all of the following:

9 a. The number of acres and locations of tracts of land
10 leased under this section in each county.

11 b. A brief description of the leases prepared and executed
12 by the department under this section.

13 c. A description of the department's success in furthering
14 the goals of the project as provided in subsection 1, any
15 performance goals or measurements utilized by the department,
16 and any recommendations for further action by the general
17 assembly that may further those goals.

18 4. The department shall adopt rules necessary to establish
19 and administer this section.

20 5. a. This section is repealed on June 30, 2018.

21 b. Notwithstanding paragraph "a", the department shall
22 continue to administer any lease executed prior to June 30,
23 2018, as provided in this section. However, a lease shall not
24 expire later than June 30, 2019.

25 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
26 immediate importance, takes effect upon enactment.

27 EXPLANATION

28 This bill requires the department of natural resources
29 to establish and administer a leasing of grazing land pilot
30 project. The department must lease at least 10 tracts of land
31 under its control to livestock producers around the state in
32 order to accomplish the following two goals: (1) remove excess
33 mature vegetation and allow for the regeneration of the land's
34 natural habitat in a manner that preserves water quality,
35 and (2) provide economical forage for profitable livestock

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1 production, including by flash grazing. The department may
2 establish a bidding system to select participating farmers,
3 so long as a preference is provided to beginning farmers.
4 The department must prepare leases that include terms that
5 ensure a livestock producer's practices are compatible with
6 the department's policies related to resource management and
7 outdoor recreation.

8 Each year, the department must submit to the governor and
9 the general assembly a report detailing information about the
10 project and any recommendations for legislative action. The
11 department is required to adopt rules necessary to establish
12 and administer the project. The project is eliminated on June
13 30, 2018, and all leases must expire by June 30, 2019.



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House Study Bill 178 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON COMMERCE BILL BY
CHAIRPERSON COWNIE)

A BILL FOR

1 An Act specifying procedures applicable to claims asserting
2 stray electric current or voltage.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. **476D.1 Definitions.**

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "*Board*" means the utilities board within the utilities
5 division of the department of commerce.

6 2. "*Dairy producer*" means any person or entity that owns or
7 operates a dairy farm or that owns cows that do or are intended
8 to produce milk.

9 3. "*Utility*" means a public utility as defined in section
10 476.1 or, for purposes of this chapter, any other person owning
11 or operating more than one thousand five hundred miles of
12 transmission lines and associated facilities in this state.

13 Sec. 2. NEW SECTION. **476D.2 Utility inspections — stray**
14 **current or voltage.**

15 1. A dairy producer in this state that claims that its
16 dairy cows are being affected by stray current or voltage shall
17 provide written notice to a utility providing electric service
18 to the dairy producer and may provide written notice to the
19 board. The notice shall include a nonbinding statement as to
20 why the dairy producer claims its dairy cows are being affected
21 by electrical energy attributable to the utility.

22 2. a. Within fourteen business days after receipt of a
23 notice alleging stray current or voltage by a utility pursuant
24 to subsection 1, the utility shall take or arrange for the
25 taking of measurements to identify the existence and magnitude
26 of the stray current or voltage, if any. A dairy producer
27 providing notice of the claim shall permit entry onto the
28 dairy farm at dates and times mutually agreed upon by the
29 dairy producer and the utility. The utility shall perform no
30 other service or inspection on the dairy farm beyond taking
31 measurements of stray current or voltage, except the utility
32 may advise the dairy producer as to recommended on-farm
33 remedial action and may perform such on-farm remedial action
34 with the permission of the dairy producer. The utility or its
35 representative shall abide by the dairy farm's biosecurity

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1 protocols or, if none, generally accepted biosecurity protocols
2 in the industry, prior to entry onto the dairy farm. The
3 utility shall be provided advance notice of any biosecurity
4 protocols adopted by the dairy producer.

5 **b.** A dairy producer may include with the notice provided
6 pursuant to subsection 1, or in a subsequent notice, a written
7 request for the board to take or arrange for the taking of
8 separate and independent measurements to identify the existence
9 and magnitude of stray current or voltage, if any. Such a
10 request may also be made by the utility. Measurements by
11 the board shall be taken by a representative of the board
12 directly, or by a neutral third-party expert selected by the
13 board for such purposes. A dairy producer providing notice
14 of the claim shall permit entry onto the dairy farm at dates
15 and times mutually agreed upon by the dairy producer and
16 the board, a representative of the board directly, or by a
17 neutral third-party expert selected by the board for such
18 purposes. The board or a selected third-party expert shall
19 perform no other service or inspection on the dairy farm beyond
20 taking measurements of stray current or voltage, except the
21 board or third-party expert may advise the dairy producer as
22 to recommended on-farm remedial action. The board or the
23 third-party expert shall abide by the dairy farm's biosecurity
24 protocols or, if none, by generally accepted biosecurity
25 protocols in the industry, prior to entry onto the dairy farm.
26 The board shall be provided advance notice of any biosecurity
27 protocols adopted by the dairy producer. The board shall
28 subsequently prepare or cause to be prepared a determination of
29 source document which shall be made available to both the dairy
30 producer and the utility.

31 **Sec. 3. NEW SECTION. 476D.3 Rules.**

32 The board shall by rule establish procedures and protocols
33 to be used for the measurement of stray current or voltage.
34 The board shall review the rules from time to time, or upon
35 petition to the board, to ensure that the procedures and

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1 protocols continue to be scientifically and technologically
2 accurate and a reliable means of detecting stray current or
3 voltage.

4 EXPLANATION

5 This bill specifies procedures which apply to claims
6 asserting stray electric current or voltage affecting dairy
7 cows.

8 The bill provides that a dairy producer in Iowa claiming that
9 its dairy cows are being affected by stray current or voltage
10 shall provide written notice to a utility providing electric
11 service to the dairy producer and may provide written notice to
12 the utilities board of the utilities division of the department
13 of commerce. The notice shall include a nonbinding statement
14 as to why the dairy producer claims its dairy cows are being
15 affected by electrical energy attributable to the utility. The
16 bill states that within 14 business days after receipt of the
17 notice, the utility shall take or arrange for the taking of
18 measurements to identify the existence and magnitude of the
19 stray current or voltage, if any. The bill provides that the
20 dairy producer shall permit entry onto the dairy farm at dates
21 and times mutually agreed upon by the dairy producer and the
22 utility. The utility is required to perform no other service
23 or inspection on the dairy farm beyond taking measurements of
24 stray current or voltage, except the utility may advise the
25 dairy producer as to recommended on-farm remedial action and
26 may perform such on-farm remedial action with the permission
27 of the dairy producer. The bill provides that the utility or
28 its representative shall abide by the dairy farm's biosecurity
29 protocols or, if none, generally accepted biosecurity protocols
30 in the industry, prior to entry onto the dairy farm, and that
31 the utility shall be provided advance notice of any biosecurity
32 protocols adopted by the dairy producer.

33 The bill further provides that the dairy producer may
34 include either as part of the notice or in a separate
35 notification a written request for the board to take or arrange

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1 for the taking of separate and independent measurements to
2 identify the existence and magnitude of stray current or
3 voltage, if any, and that such a request may also be made
4 by the utility. Measurements by the board shall be taken
5 by a representative of the board directly, or by a neutral
6 third-party expert selected by the board for such purposes.
7 The bill specifies that a dairy producer shall permit entry
8 onto the dairy farm at dates and times mutually agreed upon
9 by the dairy producer and the board, a representative of the
10 board directly, or by a neutral third-party expert selected
11 by the board for such purposes. The same restrictions shall
12 apply to measurements taken by the board or a third-party
13 expert with regard to performing no other service or inspection
14 beyond taking measurements of stray current or voltage except
15 providing advice as to recommended on-farm remedial action,
16 and biosecurity protocols. The bill directs the board to
17 subsequently prepare or cause to be prepared a determination of
18 source document which shall be made available to both the dairy
19 producer and the utility.

20 The bill provides that the board shall by rule establish
21 procedures and protocols to be used for the measurement of
22 stray current or voltage, which the board shall periodically
23 review, either of its own accord or upon petition to the board,
24 to ensure that the procedures and protocols continue to be
25 scientifically and technologically accurate and a reliable
26 means of detecting stray current or voltage.



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House Study Bill 179 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON COMMERCE BILL BY
CHAIRPERSON COWNIE)

A BILL FOR

1 An Act providing for an exemption of internet protocol-enabled
2 service from the regulatory authority of the utilities board
3 of the utilities division of the department of commerce.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



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1 Section 1. Section 476.1, Code 2013, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 5A. a. Notwithstanding any other provision
4 to the contrary, a department, agency, board, or political
5 subdivision of the state shall not by rule, order, or other
6 means directly or indirectly regulate the entry, rates, terms,
7 or conditions for internet protocol-enabled service. For the
8 purposes of this subsection, "*internet protocol-enabled service*"
9 means any service, capability, functionality, or application
10 that uses internet protocol or any successor protocol and
11 enables an end user to send or receive voice, data, or video
12 communication in internet protocol format or a successor
13 format.
14 b. This subsection shall not be construed to modify or
15 affect the application or enforcement of a law or rule that
16 may apply generally to the conduct of business in this state,
17 including but not limited to consumer protection and unfair or
18 deceptive trade practice laws and rules.

19 EXPLANATION

20 This bill exempts internet protocol-enabled service from
21 the regulatory authority of the Iowa utilities board. The
22 bill defines "*internet protocol-enabled service*" to mean any
23 service, capability, functionality, or application that uses
24 internet protocol or any successor protocol and enables an end
25 user to send or receive voice, data, or video communication in
26 internet protocol format or a successor format.

27 The bill states that, notwithstanding any other provision
28 to the contrary, a department, agency, board, or political
29 subdivision of the state may not by rule, order, or other means
30 directly or indirectly regulate the entry, rates, terms, or
31 conditions for internet protocol-enabled service. The bill
32 specifies that this provision shall not be interpreted to
33 modify or affect the application or enforcement of a law or
34 rule that may apply generally to the conduct of business in
35 Iowa, including but not limited to consumer protection and

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1 unfair or deceptive trade practice laws and rules.



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House Study Bill 180 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON SANDS)

A BILL FOR

1 An Act providing a sales tax exemption for hydroelectricity
2 conversion property.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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rn/sc



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1 Section 1. Section 423.3, subsection 54, Code 2013, is
2 amended to read as follows:

3 54. a. The sales price from the sale of wind energy
4 conversion property or hydroelectricity conversion property
5 to be used as an electric power source and the sale of the
6 materials used to manufacture, install, or construct wind
7 energy conversion property or hydroelectricity conversion
8 property used or to be used as an electric power source.

9 b. For purposes of this subsection, ~~“wind:~~

10 (1) “Wind energy conversion property” means any device,
11 including but not limited to a wind charger, windmill,
12 wind turbine, tower and electrical equipment, pad mount
13 transformers, power lines, and substation, which converts wind
14 energy to a form of usable energy.

15 (2) “Hydroelectricity conversion property” means any device,
16 including but not limited to a generator, turbine, powerhouse,
17 intake, coffer dam, walls, water conduit, tailrace, any other
18 concrete components, electrical equipment substation, poles,
19 wires, transformers, breakers, and switches used to convert
20 water, water power, or hydroelectricity to a form of usable
21 energy.

22 EXPLANATION

23 This bill exempts hydroelectricity conversion property from
24 sales tax.

25 Currently, Code section 423.3, subsection 54, provides
26 a sales tax exemption for the sales price of wind energy
27 conversion property to be used as an electric power source and
28 the sale of the materials used to manufacture, install, or
29 construct wind energy conversion property used or to be used
30 as an electric power source. The bill makes this provision
31 equally applicable to hydroelectricity conversion property, as
32 defined in the bill.

33 By operation of Code section 423.6, an item exempt from the
34 imposition of the sales tax is also exempt from the use tax
35 imposed in Code section 423.5.

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House Study Bill 181 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
ENVIRONMENTAL PROTECTION
BILL BY CHAIRPERSON HEIN)

A BILL FOR

1 An Act relating to certain title abstracts to property with
2 private sewage disposal systems and providing effective date
3 and retroactive applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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tm/sc



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1 Section 1. 2010 Iowa Acts, chapter 1120, is amended by
2 adding the following new section:

3 NEW SECTION. SEC. 8. RETROACTIVE APPLICABILITY. The
4 following provision or provisions of this Act apply
5 retroactively to July 1, 2009:

6 1. The portion of the section of this Act amending section
7 455B.172, subsection 11, paragraph "i".

8 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
9 immediate importance, takes effect upon enactment.

10 Sec. 3. RETROACTIVE APPLICABILITY. This Act applies
11 retroactively to July 1, 2010.

12 EXPLANATION

13 This bill relates to certain abstracts to property with
14 private sewage disposal systems.

15 Pursuant to 2008 Iowa Acts, chapter 1033, beginning July
16 1, 2009, certain title transfers required an inspection of
17 any private sewage disposal system located on the property.
18 Title abstracts to such property were required to include
19 documentation of the inspection. Pursuant to 2010 Iowa Acts,
20 chapter 1120, the title abstract requirement was eliminated.

21 The bill adds a retroactive applicability provision to 2010
22 Iowa Acts, chapter 1120, making the elimination of the title
23 abstract requirement retroactively applicable to July 1, 2009,
24 which is the original enactment date of the title abstract
25 requirement.

26 The bill takes effect upon enactment and applies
27 retroactively to July 1, 2010.



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House Study Bill 182 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act relating to offers of suitable work made to certain
2 injured employees and including applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 85.33, subsection 3, Code 2013, is
2 amended to read as follows:
3 3. a. If an employee is temporarily, partially disabled and
4 the employer for whom the employee was working at the time of
5 injury offers to the employee suitable work consistent with the
6 employee's disability, the employee shall accept the suitable
7 work, and be compensated with temporary partial benefits. If
8 the employee refuses to accept the suitable work with the same
9 employer, the employee shall not be compensated with temporary
10 partial, temporary total, or healing period benefits during the
11 period of the refusal. If suitable work is not offered by the
12 employer for whom the employee was working at the time of the
13 injury and the employee who is temporarily, partially disabled
14 elects to perform work with a different employer, the employee
15 shall be compensated with temporary partial benefits. For the
16 purposes of this subsection, work offered to an employee shall
17 be considered suitable work if the work offered meets all of
18 the following requirements:
19 (1) The work offered is reasonably appropriate for the
20 employee's education, training, and vocational experience.
21 (2) The work offered is consistent with the employee's
22 medical restrictions.
23 (3) The work offered does not require the employee to work a
24 substantially different schedule which unreasonably interferes
25 with the employee's customary activities in caring for a
26 dependent. For the purposes of this subsection, "dependent"
27 means a dependent as described in section 85.42 or 85.44.
28 (4) The work is not offered for the purpose of punishing or
29 harassing the employee.
30 (5) The work offered does not require the employee to accept
31 a permanent reassignment to a different job subsequent to the
32 period of temporary disability, provided that once the period
33 of temporary disability ends, this subsection shall not be
34 construed to limit the employer from reassigning the employee
35 to a job consistent with the employee's permanent medical

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- 1 restrictions, if any.
- 2 b. For the purposes of paragraph "c", "traveling employee"
3 means an employee whose regular job duties regularly require
4 the employee to be away from the employee's residence for
5 extended periods of time.
- 6 c. For the purposes of this subsection, work offered to a
7 traveling employee shall be considered suitable work if the
8 work offered meets the requirements contained in paragraph "a",
9 subject to the following additional requirements:
- 10 (1) The geographic location of the work offered to
11 the traveling employee shall be considered in making a
12 determination of whether the work offered is suitable work only
13 if the work offered does any of the following:
- 14 (a) Requires a commute or other travel beyond the physical
15 capacity of the employee.
- 16 (b) Requires the traveling employee to spend substantially
17 more time away from the employee's residence than the
18 employee's regular job duties.
- 19 (c) Interferes with the medical care of the traveling
20 employee for the work-related injury, including but not limited
21 to forcing a change in a health service provider or a delay in
22 medical care or treatment.
- 23 (2) If an employer offers suitable work to a traveling
24 employee that requires the employee to spend substantially more
25 time away from the employee's residence than the employee's
26 regular job duties, the employer shall notify the employee in
27 writing of the following:
- 28 (a) The nature of the job duties and physical requirements
29 of the work offered.
- 30 (b) The geographic location of the work offered, if the
31 location of the work offered will be substantially different
32 than the location of the traveling employee's regular job
33 duties.
- 34 (c) The possible suspension of temporary partial, temporary
35 total, or healing period benefits if the traveling employee



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1 refuses the suitable work offered.

2 (d) The traveling employee's right to file a claim with the
3 workers' compensation commissioner.

4 (3) The employer shall deliver written notice of the
5 suitable work offered to the traveling employee, by mail, or by
6 personal or electronic delivery.

7 (4) Within seven days after the employer mails written
8 notice to the traveling employee of the suitable work
9 offered, or within three days after the employer personally
10 or electronically delivers written notice to the traveling
11 employee of the suitable work offered, whichever is earlier,
12 the employee shall either accept the offer of suitable work or
13 refuse the offer of suitable work, in written or electronic
14 form, stating the basis for the employee's refusal of the
15 suitable work offered, if applicable.

16 (5) If at any time the employer substantially alters the
17 job duties, physical requirements, or location of the suitable
18 work, the employer shall provide the traveling employee with
19 written notice of the proposed alterations and the employee
20 shall accept or refuse the alterations to the suitable work, in
21 written or electronic form, within three days after the notice
22 is delivered, stating the basis for the employee's refusal of
23 the alterations, if applicable.

24 (6) If the traveling employee believes that the suitable
25 work offered is not suitable under this subsection after
26 accepting and engaging in the work, the employee may refuse the
27 work as unsuitable. The employee's right to refuse the work
28 offered as unsuitable is not affected by the employee's initial
29 acceptance of and engagement in the work.

30 (7) If the employer makes an offer of suitable work pursuant
31 to this subsection that requires a traveling employee to
32 commute or travel further than the location of the employee's
33 regular job duties, the employer shall provide the employee
34 with reasonable transportation, overnight lodging, and meals,
35 or with prompt reimbursement for such reasonable travel

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1 expenses.

2 d. This subsection shall not be construed to create a new
3 legal claim or cause of action or to extinguish or modify any
4 existing legal claim or cause of action.

5 Sec. 2. APPLICABILITY. This Act applies to offers of
6 suitable work made pursuant to section 85.33, subsection 3, on
7 or after July 1, 2013.

8 EXPLANATION

9 This bill relates to offers of suitable work made by an
10 employer to an employee while the employee is temporarily,
11 partially disabled. The bill specifies what work is considered
12 suitable work for purposes of the statute such that an
13 employee's refusal to accept the work will result in suspension
14 of that employee's weekly workers' compensation benefits during
15 the period of the refusal.

16 The bill provides that in order to be considered suitable,
17 the work offered must be reasonably appropriate for the
18 employee's education, training, and vocational experience;
19 consistent with the employee's medical restrictions; not
20 require the employee to work a substantially different schedule
21 that unreasonably interferes with the care of dependents; not
22 be offered to punish or harass the employee; and not require
23 the employee to accept a permanent reassignment to a different
24 job subsequent to the period of temporary disability, unless
25 such reassignment is necessary due to the employee's permanent
26 medical restrictions.

27 The bill imposes additional requirements for determining
28 whether work offered to an injured traveling employee is
29 suitable. For purposes of the bill, a "traveling employee"
30 is an employee whose regular job duties regularly require the
31 employee to be away from the employee's residence for extended
32 periods of time.

33 For a traveling employee, the geographic location of the
34 work offered shall be considered only if the work requires a
35 commute or other travel beyond the physical capacity of the

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1 employee; requires the employee to spend substantially more
2 time away from the employee's residence than the employee's
3 regular job duties; or interferes with the employee's medical
4 care for the work-related injury including forcing a change
5 in a health service provider or a delay in medical care or
6 treatment.

7 If an employer offers suitable work to a traveling employee
8 that requires the employee to spend substantially more time
9 away from the employee's residence than the employee's regular
10 job duties, the employer must notify the employee in writing
11 of the nature of the job duties and physical requirements of
12 the work offered; the geographic location of the work, if the
13 location is substantially different than the location of the
14 employee's regular job duties; the possible suspension of
15 weekly workers' compensation benefits if the employee refuses
16 the suitable work offered; and the employee's right to file a
17 claim with the workers' compensation commissioner.

18 The employer must also deliver written notice of the
19 suitable work offered to a traveling employee by mail, or by
20 personal or electronic delivery. Within seven days after the
21 notice is mailed, or within three days after the notice is
22 delivered personally or electronically to the employee, the
23 employee must either accept or refuse the offer of suitable
24 work, in written or electronic form, including the basis for a
25 refusal, if applicable.

26 If the employer substantially alters the job duties,
27 physical requirements, or location of the suitable work, the
28 employer shall provide the traveling employee with written
29 notice of the proposed alterations and the employee must accept
30 or refuse the alterations, in written or electronic form,
31 within three days of delivery of the notice, including the
32 basis for a refusal, if applicable.

33 If the traveling employee believes that the work offered
34 is not suitable after accepting and engaging in the work, the
35 employee may refuse the work as unsuitable. The employee's

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1 right to refuse the work offered as unsuitable is not affected
2 by the employee's initial acceptance of and engagement in the
3 work.

4 If an employer makes an offer of suitable work that requires
5 a traveling employee to commute or travel further than the
6 location of the employee's regular job duties, the employer
7 must provide the employee with reasonable transportation,
8 overnight lodging, and meals, or with prompt reimbursement for
9 such reasonable travel expenses.

10 The provisions of the bill shall not be construed to create
11 a new legal claim or cause of action or to extinguish or modify
12 any existing legal claim or cause of action.

13 The bill is applicable to offers of suitable work made by an
14 employer on or after July 1, 2013.



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House Study Bill 183 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON BYRNES)

A BILL FOR

- 1 An Act relating to the fee charged for the issuance of
- 2 duplicate driver's licenses and nonoperator's identification
- 3 cards.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 321.189, subsection 8, Code 2013, is
2 amended to read as follows:

3 8. *Veterans status.* ~~Beginning no later than July 1,~~
4 ~~2013, a~~ A licensee who is an honorably discharged veteran of
5 the armed forces of the United States ~~seeking to obtain a~~
6 ~~license, other than a replacement license, pursuant to this~~
7 ~~section~~ may request that ~~such a~~ the license be marked to
8 reflect the licensee's veteran status. Upon such a request,
9 the word "VETERAN" shall be marked prominently on the face
10 of the license. Such a license shall be issued only upon
11 receipt of satisfactory proof of veteran status pursuant to
12 procedures established by the department in consultation with
13 the department of veterans affairs. ~~This subsection shall~~
14 ~~not apply to duplicate or substitute licenses or nonoperator~~
15 ~~identification cards obtained pursuant to section 321.195.~~

16 Sec. 2. Section 321.195, Code 2013, is amended to read as
17 follows:

18 **321.195 Duplicate Replacement of driver's licenses and**
19 **nonoperator's identification cards.**

20 A fee of ten dollars shall be charged for the replacement of
21 a driver's license or nonoperator's identification card. If a
22 driver's license or nonoperator's identification card issued
23 under this chapter is lost or destroyed, the person to whom the
24 license or card was issued ~~may, upon payment of a fee of three~~
25 ~~dollars for a driver's license or nonoperator's identification~~
26 ~~card, obtain a duplicate, or substitute, upon furnishing must~~
27 furnish proof satisfactory to the department that the driver's
28 license or nonoperator's identification card has been lost
29 or destroyed in order to obtain a replacement. ~~A fee of one~~
30 ~~dollar shall be charged for the voluntary replacement of a~~
31 ~~driver's license or nonoperator's identification card.~~

32 EXPLANATION

33 Currently, under Code section 321.195, the fee for
34 replacement of a driver's license or nonoperator's
35 identification card that was lost or destroyed is \$3, and

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1 the fee for voluntary replacement of a driver's license or
2 nonoperator's identification card is \$1. The bill establishes
3 a single replacement fee of \$10.

4 In addition, the bill amends a provision which allows
5 honorably discharged veterans of the armed forces to have their
6 veteran status noted on the face of their driver's licenses.
7 Currently, that option is available at the time a veteran is
8 applying for a new license or for renewal of a license, but
9 not for a replacement license. Under the bill, a licensee may
10 obtain a replacement license marked with the word "VETERAN".
11 The replacement license is subject to the \$10 replacement
12 fee provided for in the bill. The same provisions apply for
13 veterans with nonoperator's identification cards.



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Senate File 256 - Introduced

SENATE FILE 256
BY SODDERS and BOLKCOM

A BILL FOR

1 An Act relating to the carrying of weapons including
2 eligibility and training requirements and private
3 establishment regulations.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1961XS (5) 85
rh/rj



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S.F. 256

1 Section 1. NEW SECTION. 724.4D Prohibiting weapons in
2 private establishments — notice.

3 1. For purposes of this section, unless the context
4 otherwise requires:

5 a. “*Conspicuous*” means lettering in black arial typeface
6 at least one and one-half inches in height against a
7 bright contrasting background that is at least one hundred
8 eighty-seven square inches in area.

9 b. “*Private establishment*” means a building, structure, or
10 portion thereof that is owned, leased, controlled, or operated
11 by a nongovernmental entity for a nongovernmental purpose.

12 c. “*Prominently*” means readily visible and within four feet
13 laterally of the entrance with the bottom of the sign at a
14 height of four to six feet above the floor or ground.

15 2. An owner or operator of a private establishment may
16 prohibit any person, including a person with a permit to
17 carry weapons, from possessing or carrying weapons in the
18 private establishment. Notice of the prohibition shall be
19 prominently posted on conspicuous signs at every entrance to
20 the establishment.

21 Sec. 2. Section 724.8, subsection 3, Code 2013, is amended
22 to read as follows:

23 3. Probable cause exists to believe, based upon documented
24 specific actions of the person, where at least one of the
25 actions occurred within ~~two~~ four years immediately preceding
26 the date of the permit application, that the person is likely
27 to use a weapon unlawfully or in such other manner as would
28 endanger the person’s self or others.

29 Sec. 3. Section 724.9, Code 2013, is amended by adding the
30 following new subsections:

31 NEW SUBSECTION. 2A. In addition to the firearm safety
32 requirement in subsection 1, an applicant for a new or renewal
33 permit to carry weapons shall qualify on a firing range within
34 twelve months prior to the application under the supervision of
35 an instructor certified by the national rifle association or

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1 the department of public safety or another state's department
2 of public safety, state police department, or similar
3 certifying body.

4 NEW SUBSECTION. 2B. Firearm training courses offered
5 through the internet do not satisfy the training requirements
6 set forth in this section.

7 Sec. 4. Section 724.11, subsection 1, Code 2013, is amended
8 to read as follows:

9 1. Applications for permits to carry weapons shall be made
10 to the sheriff of the county in which the applicant resides.
11 Applications for professional permits to carry weapons for
12 persons who are nonresidents of the state, or whose need to
13 go armed arises out of employment by the state, shall be made
14 to the commissioner of public safety. In either case, the
15 sheriff or commissioner, before issuing the permit, shall
16 determine that the requirements of sections 724.6 to 724.10
17 have been satisfied. However, for renewal of a permit the
18 training program requirements in section 724.9, ~~subsection 1,~~
19 ~~shall apply or the renewal applicant may choose to qualify on a~~
20 ~~firing range under the supervision of an instructor certified~~
21 ~~by the national rifle association or the department of public~~
22 ~~safety or another state's department of public safety, state~~
23 ~~police department, or similar certifying body.~~ Such training
24 or qualification must occur within the twelve-month period
25 prior to the expiration of the applicant's current permit.

26 EXPLANATION

27 This bill relates to the carrying of weapons including
28 eligibility and training requirements and private establishment
29 regulations.

30 PRIVATE ESTABLISHMENT WEAPONS PROHIBITION — NOTICE.

31 The bill provides that an owner or operator of a private
32 establishment may prohibit any person, including a person with
33 a permit to carry weapons, from possessing or carrying weapons
34 in the private establishment. Notice of the prohibition
35 shall be prominently posted on conspicuous signs at every

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1 entrance to the establishment. For purposes of the bill
2 "private establishment" means a building, structure, or
3 portion thereof that is owned, leased, controlled, or operated
4 by a nongovernmental entity for a nongovernmental purpose.
5 "Prominently" is defined as readily visible and within four
6 feet laterally of the entrance with the bottom of the sign at
7 a height of four to six feet above the floor or ground, and
8 "conspicuous" means lettering in black arial typeface at least
9 one and one-half inches in height against a bright contrasting
10 background that is at least 187 square inches in area.

11 PERMIT TO CARRY — INELIGIBILITY BASED ON PAST ACTS.
12 Under current law, an issuing officer (the commissioner of
13 public safety or a sheriff) is prohibited from issuing a
14 professional or nonprofessional permit to carry weapons if a
15 person is ineligible for certain reasons, including for certain
16 documented specific actions of the person, where at least one
17 of the actions occurred within two years immediately preceding
18 the date of the permit application, and probable cause exists
19 to believe that the person is likely to use a weapon unlawfully
20 or in such other manner as would endanger the person's self
21 or others. The bill amends this look-back provision from two
22 years to four years.

23 PERMIT TO CARRY — TRAINING REQUIREMENTS. The bill amends
24 current firearm training requirements, which an applicant for a
25 new or renewal permit to carry weapons must satisfy in order
26 to be issued a permit to carry weapons under Code chapter 724,
27 to include the requirement that such applicant qualify on a
28 firing range within 12 months prior to the application under
29 the supervision of an instructor certified by the national
30 rifle association or the department of public safety or another
31 state's department of public safety, state police department,
32 or similar certifying body. The bill specifies that internet
33 firearm training courses do not satisfy the firearm training
34 requirements in Code section 724.9.



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Senate File 257 - Introduced

SENATE FILE 257
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 1103)

A BILL FOR

1 An Act relating to the period of validity of driver's licenses
2 and nonoperator's identification cards, and including
3 effective date and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1727SV (2) 85
dea/nh



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S.F. 257

1 Section 1. Section 321.190, subsection 1, paragraph d, Code
2 2013, is amended to read as follows:

3 d. The fee for a nonoperator's identification card shall
4 be ~~five~~ eight dollars and the card shall be valid for a
5 period of ~~five~~ eight years from the date of issuance. A
6 ~~nonoperator's identification card shall be issued without~~
7 ~~expiration to anyone age seventy or over.~~ If an applicant
8 for a nonoperator's identification card is a foreign national
9 who is temporarily present in this state, the nonoperator's
10 identification card shall be issued only for the length of time
11 the foreign national is authorized to be present as determined
12 by the department, not to exceed two years. An issuance fee
13 shall not be charged for a person whose driver's license or
14 driving privilege has been suspended under section 321.210,
15 subsection 1, paragraph "a", subparagraph (3).

16 Sec. 2. Section 321.196, subsection 1, Code 2013, is amended
17 to read as follows:

18 1. Except as otherwise provided, a driver's license, other
19 than an instruction permit, chauffeur's instruction permit, or
20 commercial driver's instruction permit issued under section
21 321.180, expires ~~five~~ eight years from the licensee's birthday
22 anniversary occurring in the year of issuance if the licensee
23 is between the ages of seventeen years eleven months and
24 seventy years on the date of issuance of the license. If the
25 licensee is under the age of seventeen years eleven months or
26 age seventy or over, the license is effective for a period of
27 two years from the licensee's birthday anniversary occurring in
28 the year of issuance. A licensee whose license is restricted
29 due to vision or other physical deficiencies may be required
30 to renew the license every two years. If a licensee is a
31 foreign national who is temporarily present in this state,
32 the license shall be issued only for the length of time the
33 foreign national is authorized to be present as verified by the
34 department, not to exceed two years.

35 Sec. 3. EMERGENCY RULES. The department of transportation

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1 may adopt emergency rules under section 17A.4, subsection 3,
2 and section 17A.5, subsection 2, paragraph "b", to implement
3 section 321.190, subsection 1, paragraph "d", as amended in
4 this Act, and section 321.196, subsection 1, as amended in
5 this Act, and the rules shall be effective immediately upon
6 filing unless a later date is specified in the rules. Any
7 rules adopted in accordance with this section shall also be
8 published as a notice of intended action as provided in section
9 17A.4. The rules established under this authority may provide
10 for a transition from five-year to eight-year renewal periods
11 for driver's licenses and nonoperator's identification cards.
12 During the transition, the department may issue driver's
13 licenses and nonoperator's identification cards valid for
14 periods of five, six, seven, or eight years to equalize renewal
15 periods and applicants over succeeding years.

16 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
17 immediate importance, takes effect upon enactment.

18 EXPLANATION

19 This bill concerns the period of validity of driver's
20 licenses and nonoperator's identification cards issued by the
21 department of transportation.

22 The bill amends Code section 321.190 to extend the validity
23 of nonoperator's identification cards from five years to eight
24 years, with a corresponding fee increase from \$5 to \$8. In
25 addition, the current provision that provides for issuance of
26 a nonexpiring nonoperator's identification card to a person
27 age 70 or over is stricken. Code section 321.196 is amended
28 to extend the validity of a driver's license from five years
29 to eight years for licenses issued to persons between the ages
30 of 17 years, 11 months, and 70 years. Pursuant to current
31 law, the fee for a driver's license is based on the years of
32 validity; that does not change under the bill. The department
33 is authorized to adopt emergency rules to implement the
34 driver's license and nonoperator's identification card renewal
35 provisions, and to provide for a transition from five-year to

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1 eight-year renewal periods.

2 The bill takes effect upon enactment.



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Senate File 258 - Introduced

SENATE FILE 258
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SF 36)

A BILL FOR

1 An Act relating to the long-term care resident's advocate
2 program and making appropriations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TL5B 1627SV (1) 85
pf/rj



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S.F. 258

1 Section 1. LONG-TERM CARE RESIDENT'S ADVOCATE —
2 APPROPRIATIONS. There is appropriated from the general fund
3 of the state to the department on aging for the fiscal year
4 beginning July 1, 2013, and ending June 30, 2014, the following
5 amounts, or so much thereof as is necessary, to be used for the
6 purposes designated:

7 1. To provide an additional local long-term care resident's
8 advocate to administer the certified volunteer long-term care
9 resident's advocate program pursuant to section 231.45:

10 \$ 97,000

11 2. For the certified volunteer long-term care resident's
12 advocate program as created pursuant to section 231.45:

13 \$ 13,000

14 EXPLANATION

15 This bill relates to the long-term care resident's advocate
16 program. The bill makes appropriations from the general fund
17 of the state to the department on aging. The bill appropriates
18 \$97,000 for an additional local long-term care resident's
19 advocate to administer the certified volunteer long-term care
20 resident's advocate program and \$13,000 for the certified
21 volunteer long-term care resident's advocate program.



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Senate File 259 - Introduced

SENATE FILE 259
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 1116)

A BILL FOR

1 An Act relating to third-party payment of services provided by
2 a physical therapist.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1753SV (1) 85
av/nh



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S.F. 259

1 Section 1. NEW SECTION. 514C.30 Services provided by a
2 physical therapist.

3 1. Notwithstanding the uniformity of treatment requirements
4 of section 514C.6, a policy, contract, or plan providing for
5 third-party payment or prepayment of health or medical expenses
6 shall not impose a copayment or coinsurance amount on an
7 insured for services provided by a physical therapist licensed
8 pursuant to chapter 148A that is greater than the copayment or
9 coinsurance amount imposed on the insured for services provided
10 by a person engaged in the practice of medicine and surgery
11 or osteopathic medicine and surgery under chapter 148 for the
12 same or a similar diagnosed condition even if a different
13 nomenclature is used to describe the condition for which the
14 services are provided.

15 2. This section applies to the following classes of
16 third-party payment provider policies, contracts, or plans
17 delivered, issued for delivery, continued, or renewed in this
18 state on or after July 1, 2013:

19 a. Individual or group accident and sickness insurance
20 providing coverage on an expense-incurred basis.

21 b. An individual or group hospital or medical service
22 contract issued pursuant to chapter 509, 514, or 514A.

23 c. An individual or group health maintenance organization
24 contract regulated under chapter 514B.

25 d. A plan established pursuant to chapter 509A for public
26 employees.

27 e. An organized delivery system licensed by the director of
28 public health.

29 3. This section shall not apply to accident-only,
30 specified disease, short-term hospital or medical, hospital
31 confinement indemnity, credit, dental, vision, Medicare
32 supplement, long-term care, basic hospital and medical-surgical
33 expense coverage as defined by the commissioner, disability
34 income insurance coverage, coverage issued as a supplement
35 to liability insurance, workers' compensation or similar

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1 insurance, or automobile medical payment insurance.

2 EXPLANATION

3 This bill provides that a policy, contract, or plan
4 providing for third-party payment or prepayment of health or
5 medical expenses shall not impose a copayment or coinsurance
6 amount on an insured for services provided by a physical
7 therapist that is greater than the copayment or coinsurance
8 amount imposed on the insured for services rendered by a person
9 engaged in the practice of medicine and surgery or osteopathic
10 medicine and surgery for the same or a similar diagnosed
11 condition even if a different nomenclature is used to describe
12 the condition for which the services are provided.

13 The bill applies to specified individual and group policies,
14 contracts, and plans that are issued for delivery, continued,
15 or renewed in this state on or after July 1, 2013.



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Senate File 260 - Introduced

SENATE FILE 260

BY CHELGREN, WHITVER, ZAUN,
ROZENBOOM, GUTH, KAPUCIAN,
SORENSEN, SEGEBART,
ZUMBACH, BREITBACH,
CHAPMAN, BEHN, FEENSTRA,
and ANDERSON

A BILL FOR

1 An Act relating to the corporate income tax rates imposed
2 on corporations and including retroactive applicability
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1780SS (2) 85
mm/sc



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S.F. 260

1 Section 1. Section 422.33, subsection 1, Code 2013, is
2 amended by striking the subsection and inserting in lieu
3 thereof the following:

4 1. a. A tax is imposed annually upon each corporation doing
5 business in this state, or deriving income from sources within
6 this state, at the rate of six percent of the taxable income
7 received by the corporation during the income year.

8 b. For purposes of this section:

9 (1) "*Income from sources within this state*" means income
10 from real, tangible, or intangible property located or having
11 a situs in this state.

12 (2) "*Taxable income*" means the net income as calculated in
13 section 422.35 and determined to be reasonably attributable to
14 Iowa pursuant to subsections 2 and 3.

15 Sec. 2. Section 422.33, subsection 1A, Code 2013, is amended
16 to read as follows:

17 1A. There is imposed upon each corporation exempt from
18 the general business tax on corporations by section 422.34,
19 subsection 2, a tax at the rates rate specified in subsection 1
20 upon the state's apportioned share computed in accordance with
21 subsections 2 and 3 of the unrelated business income computed
22 in accordance with the Internal Revenue Code and with the
23 adjustments set forth in section 422.35.

24 Sec. 3. Section 422.33, subsection 4, unnumbered paragraph
25 1, Code 2013, is amended to read as follows:

26 In addition to all taxes imposed under this division,
27 there is imposed upon each corporation doing business within
28 the state the greater of the tax determined in subsection 1,
29 ~~paragraphs "a" through "d"~~ or the state alternative minimum tax
30 equal to sixty percent of the maximum state corporate income
31 tax rate, rounded to the nearest one-tenth of one percent, of
32 the state alternative minimum taxable income of the taxpayer
33 computed under this subsection.

34 Sec. 4. RETROACTIVE APPLICABILITY. This Act applies
35 retroactively to January 1, 2013, for tax years beginning on

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1 or after that date.

2 EXPLANATION

3 This bill relates to the tax rates applied to corporations.

4 Currently, the corporate income tax is imposed in a
5 progressive manner using four income brackets with increasing
6 rates: on the first \$25,000 of income, the rate is 6 percent;
7 on income between \$25,000 and \$100,000, the rate is 8 percent;
8 on income between \$100,000 and \$250,000, the rate is 10
9 percent; on income of \$250,000 or more, the rate is 12 percent.

10 The bill eliminates this tiered bracket and rate structure and
11 imposes the tax at the rate of 6 percent on the corporation's
12 taxable income.

13 The bill applies retroactively to tax years beginning on or
14 after January 1, 2013.



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Senate File 261 - Introduced

SENATE FILE 261
BY CHELGREN, SORENSON, SMITH,
and BERTRAND

A BILL FOR

1 An Act requiring bills designed to amend, revise, enact,
2 codify, or repeal a law to include a statement specifying
3 the authority under the Iowa constitution for enactment of
4 the bill.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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ec/rj



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S.F. 261

1 Section 1. Section 3.1, subsection 1, Code 2013, is amended
2 by adding the following new paragraph:

3 NEW PARAGRAPH. *d.* Shall include a concise and definite
4 statement of the authority under the Iowa constitution relied
5 upon for the enactment of the bill.

6 EXPLANATION

7 This bill requires all bills designed to amend, revise,
8 enact, codify, or repeal a law to include a statement
9 specifying the authority under the Iowa constitution for the
10 bill's enactment.



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Senate File 262 - Introduced

SENATE FILE 262

BY CHELGREN, WHITVER, ZAUN,
SINCLAIR, ROZENBOOM,
GUTH, KAPUCIAN, SORENSON,
BERTRAND, SEGEBART,
ZUMBACH, BREITBACH,
CHAPMAN, BEHN, FEENSTRA,
and ANDERSON

A BILL FOR

1 An Act creating an exemption from the computation of the state
2 individual income tax of net capital gains from the sale
3 of an equity investment in a qualified Iowa business and
4 including retroactive applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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mm/sc



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S.F. 262

1 Section 1. Section 422.7, Code 2013, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 57. *a.* Subtract, to the extent included,
4 the net capital gains from the sale of an equity investment in
5 a qualified Iowa business.
6 *b.* In order to be eligible for the deduction in paragraph
7 "*a*", the taxpayer must be a resident of this state.
8 *c.* For purposes of this subsection:
9 (1) "*Equity investment*" means an equity interest in a
10 business which equity interest was received in exchange for
11 a capital contribution or payment in the form of cash, real
12 property, or tangible personal property.
13 (2) "*Qualified Iowa business*" means a business whose
14 commercial domicile, as defined in section 422.32, is
15 in this state, and includes a sole proprietorship, joint
16 venture, partnership, limited liability company, corporation,
17 association, or any other business entity operated for profit.
18 Sec. 2. RETROACTIVE APPLICABILITY. This Act applies
19 retroactively to January 1, 2013, for tax years beginning on
20 or after that date.

21 EXPLANATION

22 This bill creates an exemption from the computation of
23 net income for the individual income tax of net capital
24 gains from the sale of an equity investment in a qualified
25 Iowa business. "Equity investment" is defined as an equity
26 interest in a business that was received in exchange for a
27 capital contribution or payment in the form of cash, real
28 property, or tangible personal property. "Qualified Iowa
29 business" is defined as any business operated for profit whose
30 commercial domicile is in Iowa. In order to be eligible for
31 this exemption a taxpayer must be a resident of Iowa.
32 The bill applies retroactively to January 1, 2013, for tax
33 years beginning on or after that date.



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Senate File 263 - Introduced

SENATE FILE 263
BY CHELGREN

A BILL FOR

1 An Act relating to exemptions from the prohibitions of the
2 smokefree air Act for some bars.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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pf/rj



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S.F. 263

1 Section 1. Section 142D.2, subsections 1 and 17, Code 2013,
2 are amended to read as follows:

3 1. "Bar" means an establishment where one may purchase
4 alcoholic beverages, as defined in section 123.3, for
5 consumption on the premises and in which ~~the serving of food is~~
6 ~~only incidental to the consumption of those~~ sixty percent or
7 more of the gross revenue of the establishment is derived from
8 the sales of such beverages.

9 17. "Restaurant" means an eating establishments
10 establishment, including a private and or public school
11 cafeterias cafeteria, which offer offers food to the public,
12 guests, or employees, including the kitchen and catering
13 facilities in which food is prepared on the premises for
14 serving elsewhere, and including a bar an area within a
15 restaurant where one may purchase alcoholic beverages, as
16 defined in section 123.3, for consumption on the premises.

17 Sec. 2. Section 142D.3, subsection 2, paragraph b, Code
18 2013, is amended by striking the paragraph.

19 Sec. 3. Section 142D.4, subsection 10, Code 2013, is amended
20 to read as follows:

21 10. Only the gaming floor of a premises licensed pursuant
22 to chapter 99F exclusive of any bar or restaurant located
23 within the gaming floor which is an enclosed area and, unless
24 otherwise exempt pursuant to subsection 12, subject to the
25 prohibitions of section 142D.3.

26 Sec. 4. Section 142D.4, Code 2013, is amended by adding the
27 following new subsection:

28 NEW SUBSECTION. 12. A bar to which only individuals
29 twenty-one years of age and older are invited and allowed
30 entrance.

31 EXPLANATION

32 This bill amends the smokefree air Act (Code chapter 142D)
33 relating to bars. The bill redefines "bar" under the Act
34 to provide that a bar is an establishment in which alcoholic
35 beverages may be purchased for consumption on the premises

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1 and in which at least 60 percent of the gross revenue of the
2 establishment is derived from the sales of such beverages. The
3 bill changes the definition of "restaurant" to include areas of
4 the restaurant where alcoholic beverages can be purchased and
5 consumed rather than referring to the new definition of "bar".

6 The bill exempts bars to which only individuals 21 years
7 of age and older are invited and allowed entrance from
8 the smoking prohibitions of the Act. The bill changes the
9 reference to bars that are located within gaming floors to
10 reflect the exemption. The bill also eliminates the provision
11 prohibiting smoking in the outdoor seating and serving areas
12 of restaurants.



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Senate File 264 - Introduced

SENATE FILE 264
BY CHELGREN

A BILL FOR

1 An Act providing for the production and marketing of industrial
2 hemp, and providing for penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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da/nh



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S.F. 264

1 Section 1. LEGISLATIVE FINDINGS — PURPOSE. The general
2 assembly finds that a trend exists among states to consider the
3 economic importance of industrial hemp, which is a major crop
4 in other nations. Industrial hemp historically has contributed
5 to the economic welfare of this country, and is a renewable
6 natural resource manufactured for textiles, pulp, paper, oil,
7 building materials, and other products. The purpose of this
8 Act is to promote the economy of this state by providing for
9 research necessary to develop industrial hemp as a viable crop.

10 Sec. 2. NEW SECTION. 159.41 Industrial hemp licensing and
11 regulation — fee — penalty.

12 1. As used in this section, "*industrial hemp*" means cannabis
13 sativa L. which has a percentage of tetrahydrocannabinol of
14 not more than one percent, as provided by rules which shall be
15 adopted by the department.

16 2. The department of agriculture and land stewardship,
17 in cooperation with the department of public safety, shall
18 administer this section. The department of agriculture and
19 land stewardship shall cooperate with other law enforcement
20 agencies. The department shall also collaborate with agencies
21 of the United States government, including but not limited
22 to the drug enforcement administration of the United States
23 department of justice, in order to provide for the production
24 and possession of industrial hemp according to the terms and
25 conditions required by the United States government. The
26 department may execute any memorandum of understanding with a
27 United States government agency in order to administer this
28 section.

29 3. a. To the extent permitted by the United States
30 government, the department shall issue licenses to persons
31 for the production and possession of industrial hemp,
32 notwithstanding any section of this chapter to the contrary.
33 A person must possess a license pursuant to this section
34 to produce or possess industrial hemp. The department of
35 agriculture and land stewardship shall limit the number of

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1 licenses that it grants each year in order to ensure that the
2 department of agriculture and land stewardship, in cooperation
3 with the department of public safety, may strictly enforce
4 compliance with the requirements of this section. A license
5 shall expire not later than one year following the date of
6 issuance.

7 *b.* A person applying for a license shall file an application
8 on a form prescribed by the department of agriculture and land
9 stewardship according to procedures required by the department.
10 The department may charge an application fee which shall not
11 exceed five hundred dollars. An applicant and each employee
12 of the applicant must satisfy eligibility requirements of the
13 department, which shall include but not be limited to all of
14 the following:

15 (1) Be eighteen years of age or older.

16 (2) Never have been convicted of a felony, an aggravated
17 misdemeanor, or of any other offense related to the possession
18 of a controlled substance.

19 (3) Not be addicted to the use of alcohol or a controlled
20 substance.

21 (4) Be of good moral character and not have been judged
22 guilty of a crime involving moral turpitude.

23 *c.* The licensee shall maintain accurate records, as required
24 by the department, which shall contain information relating
25 to the licensee's operation, including but not limited to the
26 production site, the time and manner of harvest, and persons
27 involved in the production, harvesting, and distribution of the
28 industrial hemp.

29 4. Notwithstanding chapter 124, the licensee may produce,
30 harvest, and distribute industrial hemp. However, the licensee
31 must act in strict conformance with this section. The licensee
32 shall raise industrial hemp upon demonstration plots as
33 approved by the department. The demonstration plots must be
34 used to develop optimal agricultural practices for raising
35 industrial hemp. All plant materials from industrial hemp

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1 grown on demonstration plots, except plant materials retained
2 for breeding and propagation, must be used for commercial uses
3 approved by the department.

4 5. The department of agriculture and land stewardship or
5 the department of public safety may inspect a production or
6 distribution site of a licensee at any time, and may inspect
7 records required to be maintained as provided in this section.
8 The department of agriculture and land stewardship shall assess
9 and the licensee shall pay the actual costs of the inspection.
10 If the owner or occupant of any property used by the licensee
11 for the production or distribution refuses admittance onto
12 the property, or if prior to such refusal the department of
13 agriculture and land stewardship or department of public safety
14 demonstrates the necessity for a warrant, the department of
15 agriculture and land stewardship may make application under
16 oath or affirmation to the district court of the county in
17 which the property is located for the issuance of a search
18 warrant. If the court is satisfied from examination of the
19 applicant, of other witnesses, if any, and of the allegations
20 of the application or the existence of the grounds of the
21 application, or that probable cause exists to believe such
22 grounds exist, the court may issue a search warrant.

23 6. The department may suspend or revoke a license if the
24 licensee or an employee of the licensee is determined to have
25 committed any of the following:

26 a. Fraud in applying for or obtaining a license.

27 b. A violation of this section or rules adopted by the
28 department pursuant to this section, including failing to
29 comply with a requirement of this section.

30 c. An offense involving moral turpitude, a felony, an
31 aggravated misdemeanor, or any other offense related to the
32 possession of a controlled substance.

33 7. a. Except as provided in paragraph "b", an applicant for
34 a license or a licensee who knowingly violates a requirement
35 of this section or a rule adopted by the department pursuant

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1 to this section is subject to a civil penalty of not more than
2 fifty thousand dollars.

3 b. A person who makes a false statement on the application
4 for a license regarding the conviction of a felony, aggravated
5 misdemeanor, or any other offense related to the possession of
6 a controlled substance is guilty of an aggravated misdemeanor.

7 Sec. 3. Section 317.1A, Code 2013, is amended by adding the
8 following new subsection:

9 NEW SUBSECTION. 3. "*Industrial hemp*" which is produced as
10 provided in section 159.41 is not a noxious weed.

EXPLANATION

12 This bill provides for the production of industrial hemp
13 which has a percentage of tetrahydrocannabinol of not more than
14 1 percent.

15 The bill requires the department of agriculture and land
16 stewardship, in cooperation with the department of public
17 safety, to administer a program to license persons involved
18 in industrial hemp production. The bill requires the
19 department to collaborate with agencies of the United States
20 government, including but not limited to the drug enforcement
21 administration in order to provide for the production and
22 possession of industrial hemp according to the terms and
23 conditions required by the United States government. The
24 bill provides that to the extent permitted by the United
25 States government, the department shall issue licenses to
26 persons for the production and possession of industrial
27 hemp, notwithstanding any other provision of Code chapter
28 124 regulating controlled substances. The bill provides
29 requirements for applicants and persons involved in the
30 production or possession of industrial hemp. The bill provides
31 for the inspection of the premises and records of licensees.
32 The bill provides for the suspension or revocation of a
33 license.

34 The bill provides that licensees who violate the provisions
35 of the bill are subject to a civil penalty of up to \$50,000.

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1 The bill provides that a person who makes a false statement
2 on the application for a license regarding a conviction of a
3 felony, aggravated misdemeanor, or any other offense related
4 to the possession of a controlled substance is guilty of
5 an aggravated misdemeanor. An aggravated misdemeanor is
6 punishable by confinement for no more than two years and a fine
7 of at least \$625 but not more than \$6,250.



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Senate File 265 - Introduced

SENATE FILE 265
BY CHELGREN

A BILL FOR

1 An Act providing education savings grants for pupils attending
2 a public school or an accredited nonpublic school or
3 receiving competent private instruction, establishing
4 an education savings grant fund, providing for the
5 establishment of education achievement standards, making
6 appropriations, providing penalties, and including
7 applicability provisions.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 256.7, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 33. Adopt rules relating to applications
4 for an education savings grant, including application
5 processing timelines and information required to be submitted
6 by a parent or guardian, and rules to establish academic growth
7 standards pursuant to section 257.11B.

8 Sec. 2. Section 257.3, subsection 1, Code 2013, is amended
9 by adding the following new paragraph:

10 NEW PARAGRAPH. d. The amount of tuition collected by each
11 school district under section 257.3A shall be regarded as
12 property tax for purposes of this chapter.

13 Sec. 3. NEW SECTION. 257.3A Education savings grant —
14 tuition.

15 A school district may collect as tuition from each pupil
16 enrolled in the school district an amount not to exceed the
17 education savings grant received by the pupil for that school
18 year under section 257.11B.

19 Sec. 4. NEW SECTION. 257.11B Education savings grant
20 program.

21 1. a. Pupils residing in this state, eligible to enroll in
22 grades kindergarten through twelve, and enrolled in a public
23 school, attending an accredited nonpublic school, or receiving
24 competent private instruction under chapter 299A shall be
25 eligible to receive an education savings grant in the manner
26 provided in this section for school years beginning on or after
27 July 1, 2014. Except as provided in subsection 6, education
28 savings grants shall be available for disbursement to parents
29 and guardians for the payment of qualified education expenses
30 as provided in this section.

31 b. (1) If a pupil fails to meet the academic growth
32 standards established by the state board of education under
33 subparagraph (2) for two consecutive school years for which
34 the student has received an education savings grant under this
35 section, the pupil shall not be eligible for an education



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1 savings grant for future school years unless the pupil is
2 enrolled in an alternative options education program adopted
3 by the school district where the pupil resides under section
4 280.19A. If the pupil meets the academic growth standards
5 established by the state board of education for two consecutive
6 school years while enrolled in the alternative options
7 education program, the pupil shall again be eligible for
8 the education savings grant while enrolled in any public
9 school, attending an accredited nonpublic school, or receiving
10 competent private instruction under chapter 299A.

11 (2) The state board of education shall adopt standards for
12 determining academic growth of pupils in grades kindergarten
13 through twelve. Such academic growth standards shall include
14 minimum levels of proficiency in the areas of math, science,
15 literacy, and social studies.

16 2. a. (1) By January 31 preceding the school year for
17 which the education savings grant is requested, the parent
18 or guardian of the pupil requesting to receive an education
19 savings grant shall submit an application to the department of
20 education, on application forms developed by the department,
21 indicating that the parent or guardian intends to enroll the
22 pupil in either a public school, an accredited nonpublic
23 school, or provide competent private instruction for the pupil
24 under chapter 299A.

25 (2) In addition to such information deemed appropriate by
26 the department of education, the application shall require
27 certification from the public school or the accredited
28 nonpublic school of the pupil's enrollment for the following
29 school year or a statement indicating the parent or guardian's
30 intent to provide or arrange for competent private instruction
31 for the pupil for the following school year.

32 b. By March 1 preceding the school year for which the
33 education savings grant is requested, the department of
34 education shall notify the department of management of the
35 number of pupils in each school district designated for the

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1 following school year to receive an education savings grant
2 and the amount of the education savings grant for each pupil.
3 The department of education shall also notify the parent
4 or guardian of such pupils who are approved to receive an
5 education savings grant.

6 *c.* Education savings grants shall only be approved for one
7 school year and applications must be submitted under paragraph
8 "a" for education savings grants in subsequent school years.

9 3. *a.* The department of management shall assign each pupil
10 an education savings grant of three thousand seven hundred
11 dollars.

12 *b.* The department of management shall on July 1 transfer
13 such amounts to the pupil's account in the Iowa education
14 savings grant fund established under subsection 4. Such amount
15 shall be available for disbursement to the pupil's parent or
16 guardian for the payment of qualified educational expenses
17 incurred by such persons for the pupil during that school year.

18 4. An Iowa education savings grant fund is created in
19 the state treasury under the control of the department of
20 management consisting of moneys appropriated to the department
21 for the purpose of providing education savings grants under
22 this section. For the fiscal year commencing July 1, 2014, and
23 each succeeding fiscal year, there is appropriated from the
24 general fund of the state to the department of management the
25 amount necessary to pay all education savings grants approved
26 for that fiscal year. The director of the department of
27 management has all powers necessary to carry out and effectuate
28 the purposes, objectives, and provisions of this section
29 pertaining to the fund, including the power to do all of the
30 following:

31 *a.* Make and enter into contracts necessary for the
32 administration of the fund.

33 *b.* Procure insurance against any loss in connection with the
34 assets of the fund.

35 *c.* Make disbursements from a pupil's account within the

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1 fund to the pupil's parents or guardians for the payment of
2 qualified educational expenses.

3 *d.* Adopt rules pursuant to chapter 17A for the
4 administration of the fund and accounts within the fund.

5 5. *a.* For each pupil approved for an education savings
6 grant, the department shall establish an account for that pupil
7 in the education savings grant fund. The amount of the pupil's
8 education savings grant determined under subsection 3 shall be
9 deposited into the pupil's account on July 1 and such amount
10 shall be immediately available for disbursement to parents and
11 guardians upon filing and approval of claims from the pupil's
12 account for qualified education expenses incurred by the parent
13 or guardian for the pupil during that fiscal year.

14 *b.* A parent or guardian of a pupil may on forms prescribed
15 by the department of management submit claims for disbursements
16 of moneys within the account. The department may by rule
17 designate the appropriate supporting documentation necessary
18 for the disbursement of moneys in an account including but not
19 limited to invoices of amounts due and receipts of amounts
20 paid for qualified education expenses. If a pupil is enrolled
21 in an alternative options education program as the result of
22 failing to meet the academic growth standards under subsection
23 1, paragraph "b", disbursements of moneys in a pupil's account
24 shall only be made by the department to the parent or guardian
25 for tuition expenses of the alternative options education
26 program.

27 6. For each pupil with a positive balance in the pupil's
28 account in the education savings grant fund upon graduation
29 from high school, the department of management shall maintain
30 such account in the fund until the pupil is twenty-five years
31 of age. Following graduation from high school until the pupil
32 is twenty-five years of age, moneys in the pupil's account
33 may be used for higher education costs, as defined in section
34 12D.1, subsection 2. Disbursements from a pupil's account
35 for higher education costs shall be claimed by and disbursed

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1 to the pupil. Claims and disbursements for higher education
2 costs under this subsection shall be made in the same manner
3 as claims and disbursements for qualified educational expenses
4 under subsection 5. Moneys in a pupil's account when the pupil
5 turns twenty-five years of age shall be transferred by the
6 department for deposit in the general fund of the state.

7 7. For purposes of this section, "*qualified educational*
8 *expense*" includes tuition at a public school collected under
9 section 257.3A, tuition and fees at an accredited nonpublic
10 school, textbooks, payment to a licensed or accredited tutor,
11 curriculum materials, tuition or fees for nonpublic online
12 education programs, education materials and services for pupils
13 with disabilities, standardized test fees, and other expenses
14 incurred by the parent or guardian that are directly related to
15 the education of the pupil at a public school or an accredited
16 nonpublic school or directly related to providing competent
17 private instruction for the pupil under chapter 299A.

18 8. A person who makes a false claim for the purpose of
19 obtaining an education savings grant provided for in this
20 section or who knowingly receives the grant without being
21 legally entitled to it is guilty of a fraudulent practice. The
22 false claim for an education savings grant shall be disallowed
23 and if amounts from the grant have been disbursed from the
24 applicable account in the education savings grant fund, the
25 department of management shall initiate legal proceedings to
26 recover such amounts.

27 Sec. 5. APPLICABILITY. This Act applies to school budget
28 years and fiscal years beginning on or after July 1, 2014.

29 Sec. 6. CORRESPONDING AMENDMENTS LEGISLATION. Additional
30 legislation is required to fully implement this Act. The
31 director of the department of education shall, in compliance
32 with section 2.16, prepare draft legislation for submission to
33 the legislative services agency, as necessary, to implement the
34 school finance modifications under this Act and to implement
35 the education savings grant program created in this Act.



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1 EXPLANATION

2 This bill provides education savings grants for pupils
3 enrolled in a public school, attending an accredited nonpublic
4 school, or receiving competent private instruction.

5 Under the bill, resident pupils eligible to enroll in
6 grades kindergarten through 12 and enrolled in a public
7 school, attending an accredited nonpublic school, or receiving
8 competent private instruction under Code chapter 299A are
9 eligible to receive an education savings grant for school years
10 beginning on or after July 1, 2014. By January 31 preceding
11 the school year for which the education savings grant is
12 requested, the parent or guardian of the pupil requesting to
13 receive an education savings grant must submit an application
14 to the department of education indicating that the parent or
15 guardian intends to enroll the pupil in a public school or
16 an accredited nonpublic school, or provide competent private
17 instruction for the pupil.

18 Under the bill, however, if a pupil fails to meet the
19 academic growth standards established by the state board of
20 education for two consecutive school years for which the
21 student has received an education savings grant, the pupil
22 is not eligible for an education savings grant for future
23 school years unless the pupil is enrolled in an alternative
24 options education program adopted by the school district
25 where the pupil resides under Code section 280.19A. The
26 bill provides that if the pupil meets the academic growth
27 standards established by the state board of education for two
28 consecutive school years while enrolled in the alternative
29 options education program, the pupil shall again be eligible
30 for the education savings grant while enrolled in any
31 public school, attending an accredited nonpublic school, or
32 receiving competent private instruction under Code chapter
33 299A. The bill requires the state board of education to adopt
34 standards for determining academic growth of pupils in grades
35 kindergarten through 12. Such academic growth standards must

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1 include minimum levels of proficiency in the areas of math,
2 science, literacy, and social studies.

3 The bill requires that by March 1 preceding the school
4 year for which the education savings grant is requested,
5 the department of education must notify the department of
6 management of the number of pupils in each school district
7 designated for the following school year to receive an
8 education savings grant. Education savings grants may only be
9 approved for one school year and applications must be submitted
10 for education savings grants in subsequent school years.

11 The amount of each education savings grant is \$3,700 per
12 pupil.

13 The bill creates an Iowa education savings grant fund in
14 the state treasury under the control of the department of
15 management consisting of moneys appropriated to the department
16 for the purpose of providing education savings grants. For
17 the fiscal year commencing July 1, 2014, and each succeeding
18 fiscal year, there is appropriated from the general fund of
19 the state to the department of management the amount necessary
20 to pay all education savings grants approved for that fiscal
21 year. For each pupil approved for an education savings grant,
22 the department of management must establish an account for
23 that pupil in the education savings grant fund. The amount
24 of the pupil's education savings grant is deposited into the
25 pupil's account on July 1 and such amount is available for
26 disbursement to parents and guardians upon filing and approval
27 of claims from the pupil's account for qualified education
28 expenses, as defined in the bill, incurred by the parent or
29 guardian for the pupil during that fiscal year. However, if a
30 pupil is enrolled in an alternative options education program
31 as the result of failing to meet the academic growth standards,
32 disbursements of moneys in a pupil's account shall only be made
33 by the department of management for tuition expenses of the
34 alternative options education program.

35 Under the bill, for each pupil with a positive balance in

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1 the pupil's account in the education savings grant fund upon
2 graduation from high school, the department of management is
3 required to maintain the account in the fund until the pupil
4 is 25 years old. Following graduation from high school until
5 the pupil is 25 years old, moneys in the pupil's account may
6 be used by the pupil for higher education costs, as defined
7 in Code section 12D.1. Moneys in a pupil's account when the
8 pupil turns 25 years old are transferred by the department of
9 management for deposit in the general fund of the state.

10 The bill provides that a person who makes a false claim for
11 the purpose of obtaining an education savings grant or who
12 knowingly receives the grant without being legally entitled
13 to it is guilty of a fraudulent practice and is subject to a
14 criminal penalty. The bill allows the department of management
15 to initiate legal proceedings to recover grants improperly
16 awarded under the bill.

17 The bill authorizes school districts to collect as tuition
18 from each pupil enrolled in the school district an amount not
19 to exceed the education savings grant received by the pupil for
20 that school year under new Code section 257.11B. Such tuition
21 amounts collected by each school district under new Code
22 section 257.3A shall be regarded as property tax for purposes
23 of the school foundation formula.

24 The bill applies to school budget years and fiscal years
25 beginning on or after July 1, 2014.

26 The bill provides that additional legislation is required
27 to fully implement the bill and requires the director of
28 the department of education to prepare draft legislation
29 in compliance with Code section 2.16 for submission to the
30 legislative services agency, as necessary, to implement the
31 school finance modifications and the education savings grant
32 program in the bill.



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Senate File 266 - Introduced

SENATE FILE 266
BY PETERSEN

A BILL FOR

1 An Act relating to supplementary weighting for limited English
2 proficient students and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 257.31, subsection 5, paragraph j, Code
2 2013, is amended to read as follows:

3 j. Unusual need to continue providing a program or other
4 special assistance to non-English speaking pupils after
5 the expiration of the ~~four-year~~ applicable period of years
6 specified in section 280.4.

7 Sec. 2. Section 280.4, subsection 3, Code 2013, is amended
8 to read as follows:

9 3. a. In order to provide funds for the excess costs
10 of instruction of limited English proficient students above
11 the costs of instruction of pupils in a regular curriculum,
12 students identified as limited English proficient shall be
13 assigned an additional weighting of twenty-two hundredths, and
14 that weighting shall be included in the weighted enrollment of
15 the school district of residence for a period not exceeding
16 ~~four~~ the number of years specified in paragraph "b". However,
17 the school budget review committee may grant supplemental aid
18 or modified allowable growth to a school district to continue
19 funding a program for students after the expiration of the
20 ~~four-year~~ specified period of years in paragraph "b".

21 b. (1) For students first determined to be limited English
22 proficient for a budget year beginning before July 1, 2013,
23 the additional weighting provided under paragraph "a" shall be
24 included in the weighted enrollment of the school district of
25 residence for a period not exceeding four years.

26 (2) For students first determined to be limited English
27 proficient for the budget year beginning July 1, 2013, the
28 additional weighting provided under paragraph "a" shall be
29 included in the weighted enrollment of the school district of
30 residence for a period not exceeding five years.

31 (3) For students first determined to be limited English
32 proficient for the budget year beginning July 1, 2014, the
33 additional weighting provided under paragraph "a" shall be
34 included in the weighted enrollment of the school district of
35 residence for a period not exceeding six years.

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1 (4) For students first determined to be limited English
2 proficient for a budget year beginning on or after July 1,
3 2015, the additional weighting provided under paragraph "a"
4 shall be included in the weighted enrollment of the school
5 district of residence for a period not exceeding seven years.

6 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
7 immediate importance, takes effect upon enactment.

EXPLANATION

9 Current Code section 280.4 provides funds for the excess
10 costs of instruction of limited English proficient students
11 above the costs of instruction of pupils in a regular
12 curriculum. This funding is provided for a period not to
13 exceed four years through assignment of an additional weighting
14 of 22 hundredths to each student identified as limited English
15 proficient.

16 This bill increases the number of years for which a school
17 district of residence may include the additional weighting for
18 a student determined to be limited English proficient. Under
19 the bill, for students first determined to be limited English
20 proficient for a budget year beginning before July 1, 2013,
21 the additional weighting shall be included in the weighted
22 enrollment of the school district of residence for a period
23 not exceeding four years. For students first determined to
24 be limited English proficient for the budget year beginning
25 July 1, 2013, the additional weighting shall be included in the
26 weighted enrollment of the school district of residence for a
27 period not exceeding five years. For students first determined
28 to be limited English proficient for the budget year beginning
29 July 1, 2014, the additional weighting shall be included in the
30 weighted enrollment of the school district of residence for a
31 period not exceeding six years. For students first determined
32 to be limited English proficient for a budget year beginning
33 on or after July 1, 2015, the additional weighting shall be
34 included in the weighted enrollment of the school district of
35 residence for a period not exceeding seven years.

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1 The bill takes effect upon enactment.



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Senate File 267 - Introduced

SENATE FILE 267
BY SENG

A BILL FOR

1 An Act creating a tax credit available for the individual
2 and corporate income taxes, the franchise tax, insurance
3 premiums tax, and the moneys and credits tax for a
4 charitable contribution to certain institutions engaged in
5 regenerative medicine research and including retroactive
6 applicability provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 422.11E Regenerative medicine
2 research tax credit.

3 1. a. The taxes imposed under this division, less the
4 credits allowed under section 422.12, shall be reduced by a
5 regenerative medicine research tax credit.

6 b. The credit shall be in an amount equal to sixty percent
7 of a taxpayer's charitable contribution to an eligible research
8 institution located in the state. For purposes of this
9 section, "*eligible research institution*" means an organization
10 qualifying under section 501(c)(3) of the Internal Revenue Code
11 as an organization exempt from federal income tax under section
12 501(a) of the Internal Revenue Code that is engaged in research
13 designed to improve patient care through the development and
14 dissemination of novel clinical therapies for the functional
15 repair and replacement of diseased tissues and organs,
16 including research for the treatment of cancer. "*Eligible*
17 *research institution*" excludes a postsecondary institution or an
18 entity or organization receiving twenty-five percent or more of
19 its annual budget from a postsecondary institution.

20 c. An individual may claim a tax credit under this
21 subsection of a partnership, limited liability company,
22 S corporation, estate, or trust electing to have income
23 taxed directly to the individual. The amount claimed by the
24 individual shall be based upon the pro rata share of the
25 individual's earnings from the partnership, limited liability
26 company, S corporation, estate, or trust.
27 d. Any tax credit in excess of the taxpayer's tax liability
28 for the tax year is not refundable, but the taxpayer may
29 elect to have the excess credited to the tax liability for
30 the following four tax years or until depleted, whichever is
31 earlier.

32 2. a. To claim a tax credit under this section, the
33 taxpayer shall apply to the department for a tax credit
34 certificate. After verifying the eligibility of a taxpayer for
35 a tax credit pursuant to this section, the department shall



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1 issue a tax credit certificate to be attached to the taxpayer's
2 tax return. The tax credit certificate shall be issued on
3 a first-come, first-served basis based upon the date of the
4 application and shall contain the taxpayer's name, address,
5 tax identification number, the amount of the credit, the
6 certificate expiration date, and any other information required
7 by the department.

8 *b.* To claim a tax credit under this section, a taxpayer must
9 attach one or more tax credit certificates to the taxpayer's
10 tax return. The tax credit certificate or certificates
11 attached to the taxpayer's tax return shall be issued in the
12 taxpayer's name, and the expiration date on the certificate
13 shall be a date that falls on or after the last day of the
14 taxable year for which the taxpayer is claiming the tax credit.

15 *c.* The tax credit certificate, unless otherwise void,
16 shall be accepted by the department as payment toward the
17 tax liability of the taxpayer, subject to any conditions or
18 restrictions placed by the department upon the face of the
19 tax credit certificate and subject to the limitations of this
20 section.

21 *d.* Tax credit certificates issued under this section are not
22 transferable to any person or entity.

23 3. The maximum amount of tax credits issued in a fiscal
24 year pursuant to this section, section 422.33, subsection 30,
25 section 422.60, subsection 12, section 432.12N, and section
26 533.329, subsection 2, paragraph "k", shall not exceed ten
27 million dollars.

28 Sec. 2. Section 422.33, Code 2013, is amended by adding the
29 following new subsection:

30 NEW SUBSECTION. 30. The taxes imposed under this division
31 shall be reduced by a regenerative medicine research tax credit
32 in the same manner, for the same amount, and under the same
33 conditions as provided in section 422.11E.

34 Sec. 3. Section 422.60, Code 2013, is amended by adding the
35 following new subsection:

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1 NEW SUBSECTION. 12. The taxes imposed under this division
2 shall be reduced by a regenerative medicine research tax credit
3 in the same manner, for the same amount, and under the same
4 conditions as provided in section 422.11E.

5 Sec. 4. NEW SECTION. 432.12N Regenerative medicine research
6 tax credit.

7 The taxes imposed under this chapter shall be reduced by a
8 regenerative medicine research tax credit in the same manner,
9 for the same amount, and under the same conditions as provided
10 in section 422.11E.

11 Sec. 5. Section 533.329, subsection 2, Code 2013, is amended
12 by adding the following new paragraph:

13 NEW PARAGRAPH. *k.* The moneys and credits tax imposed
14 under this section shall be reduced by a regenerative medicine
15 research tax credit in the same manner, for the same amount,
16 and under the same conditions as provided in section 422.11E.

17 Sec. 6. RETROACTIVE APPLICABILITY. This Act applies
18 retroactively to January 1, 2013, for tax years beginning on
19 or after that date.

EXPLANATION

21 This bill provides a credit against the individual or
22 corporate income tax, the franchise tax, the insurance premiums
23 tax, and the moneys and credits tax for 60 percent of a
24 taxpayer's contribution to a regenerative medicine research
25 institution located in the state. In order to qualify for the
26 credit, the regenerative medicine research institute must be
27 qualified under 501(c)(3) of the Internal Revenue Code and must
28 engage in research that is designed to improve patient care
29 through the development and dissemination of novel clinical
30 therapies for the functional repair and replacement of diseased
31 tissues and organs, including cancer research. Postsecondary
32 institutions and entities that receive 25 percent or more of
33 their annual budget from a postsecondary institution do not
34 qualify.

35 The tax credit is not refundable but, at the taxpayer's

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1 election, may be credited to the taxpayer's tax liability for
2 up to four subsequent tax years or until depletion, whichever
3 is earlier. The tax credits are not transferable. The maximum
4 amount of tax credits is limited to \$10 million in any one
5 fiscal year. The department of revenue approves the tax
6 credits and issues the tax credit certificates to taxpayers.
7 The bill applies retroactively to January 1, 2013, for tax
8 years beginning on or after that date.



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Senate Study Bill 1204 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON BOWMAN)

A BILL FOR

1 An Act concerning vehicle registration fees, including matters
2 relating to evasion of fees and to fees for electric
3 vehicles, providing penalties, and including applicability
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 321.55, Code 2013, is amended to read as
2 follows:

3 **321.55 Registration and financial liability coverage required**
4 **for certain vehicles owned or operated by nonresidents.**

5 1. A nonresident owner or operator engaged in remunerative
6 employment within ~~the~~ this state or carrying on business
7 within ~~the~~ this state and owning or operating a motor vehicle,
8 trailer, or semitrailer within ~~the~~ this state shall register
9 and maintain financial liability coverage as required under
10 section 321.20B for each vehicle and pay the same fees for
11 registration as are paid for like vehicles owned by residents
12 of this state. However, this ~~paragraph~~ subsection does not
13 apply to a person commuting from the person's residence in
14 another state or whose employment is seasonal or temporary, not
15 exceeding ninety days.

16 2. a. A nonresident owner of a motor vehicle operated
17 within ~~the~~ this state by a resident of ~~the~~ this state shall
18 register the vehicle and shall maintain financial liability
19 coverage as required under section 321.20B for the vehicle.
20 The nonresident owner shall pay the same fees for registration
21 as are paid for like vehicles owned by residents of this state.
22 However, registration under this paragraph is not required for
23 vehicles being operated by residents temporarily, ~~not exceeding~~
24 for not more than ninety days. For purposes of this paragraph,
25 a vehicle is not operated in the state temporarily, and is
26 therefore subject to registration and the owner is required
27 to pay the applicable fees, if the vehicle is located in Iowa
28 for more than ninety consecutive or nonconsecutive days and is
29 operated on an Iowa highway by an Iowa resident during that
30 time. It is unlawful for a resident to operate within the
31 state an unregistered motor vehicle required to be registered
32 under this paragraph. The ninety-day temporary period of
33 operation provided for under this paragraph does not apply to a
34 vehicle owned by a shell business as provided in paragraph "b".

35 b. On or after July 1, 2013, if the department, in

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1 consultation with the department of revenue, determines that
2 the nonresident owner of a vehicle is a partnership, limited
3 liability company, or corporation that is a shell business, it
4 shall be rebuttably presumed that the Iowa resident in control
5 of the vehicle is the actual owner of the vehicle, that the
6 vehicle is subject to registration in this state, and that
7 payment of the fee for new registration for the vehicle is owed
8 by the Iowa resident.

9 (1) Factors which indicate that a partnership, limited
10 liability company, or corporation is a shell business include
11 but are not limited to the following:

12 (a) The partnership, limited liability company, or
13 corporation lacks a specific business activity or purpose.

14 (b) The partnership, limited liability company, or
15 corporation fails to maintain a physical location in the
16 foreign state.

17 (c) The partnership, limited liability company, or
18 corporation fails to employ individual persons and provide
19 those persons with internal revenue service form W-2 wage and
20 tax statements.

21 (d) The partnership, limited liability company, or
22 corporation fails to file federal tax returns, or fails to file
23 a required state tax return in the foreign state.

24 (2) Factors which indicate that a person is in control of a
25 vehicle include but are not limited to the following:

26 (a) The person was the initial purchaser of the vehicle.

27 (b) The person operated or stored the vehicle in Iowa for
28 any period of time.

29 (c) The person is a partner, member, or shareholder of
30 the nonresident partnership, limited liability company, or
31 corporation that purports to be the owner of the vehicle.

32 (d) The person is insured to drive the vehicle.

33 (3) If the department determines that the nonresident owner
34 of a vehicle is a shell business, the department shall notify
35 the Iowa resident in control of the vehicle in writing that



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1 the Iowa resident is required to obtain an Iowa certificate of
2 title and registration for the vehicle and pay the fee for new
3 registration owed for the vehicle not later than thirty days
4 from the date of the notice.

5 Sec. 2. Section 321.105A, subsection 7, Code 2013, is
6 amended to read as follows:

7 7. *Penalty for false statement or evasion of fee.*

8 a. A person who willfully makes a false statement in
9 regard to the purchase price of a vehicle subject to a fee
10 for new registration or willfully attempts in any manner to
11 evade payment of the fee required by this section is guilty
12 of a fraudulent practice. A person who willfully makes a
13 false statement in regard to the purchase price of such a
14 vehicle with the intent to evade payment of the fee for new
15 registration or willfully attempts in any manner to evade
16 payment of the fee required by this section shall be assessed
17 a penalty of seventy-five percent of the amount of the fee
18 unpaid and required to be paid on the actual purchase price
19 less trade-in allowance.

20 b. An Iowa resident found to be in control of a vehicle
21 which is owned by a shell business and for which the fee for new
22 registration has not been paid, as provided in section 321.55,
23 subsection 2, is guilty of a fraudulent practice. An Iowa
24 resident found to be in control of a vehicle which is owned by
25 a shell business and for which the fee for new registration
26 has not been paid, as provided in section 321.55, subsection
27 2, shall be assessed a penalty of seventy-five percent of the
28 amount of the fee unpaid and required to be paid on the actual
29 purchase price less trade-in allowance.

30 Sec. 3. REPEAL. Section 321.116, Code 2013, is repealed.

31 Sec. 4. APPLICABILITY — PRIOR ELECTRIC VEHICLE
32 REGISTRATIONS.

33 1. Except as provided in subsection 2, the section of this
34 Act that repeals section 321.116 applies to the registration of
35 electric motor vehicles for registration years beginning on or



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1 after January 1, 2014.

2 2. For an annual renewal of registration for an electric
3 motor vehicle which was registered to the same owner for a
4 registration year beginning prior to January 1, 2014, the
5 annual registration fee shall be according to the terms of
6 section 321.116, Code 2013.

7 EXPLANATION

8 This bill contains provisions relating to collection of
9 the fee for new registration from vehicle owners who attempt
10 to evade payment of the fee, including resident owners who
11 establish a shell business in another state. In addition,
12 the bill provides for annual registration fees for electric
13 vehicles based on the weight and value of the vehicle.

14 Under current law, the nonresident owner of a motor vehicle
15 which is operated within this state by a resident of this
16 state must register the vehicle in Iowa and pay the same fees
17 required for registration of a vehicle by a resident owner.
18 However, registration is not required for a vehicle owned by
19 a nonresident and operated in this state by an Iowa resident
20 for a temporary period of not more than 90 days. The bill
21 provides that if a vehicle owned by a nonresident is located in
22 Iowa for more than 90 consecutive or nonconsecutive days and is
23 operated by an Iowa resident during that time, the vehicle is
24 not considered to be in the state temporarily.

25 The bill provides that on or after July 1, 2013, if the
26 department of transportation, in consultation with the
27 department of revenue, determines that the nonresident owner
28 of a vehicle is a partnership, limited liability company, or
29 corporation that is a shell business, there is a rebuttable
30 presumption that the Iowa resident in control of the vehicle
31 is the actual owner of the vehicle, that the vehicle is
32 subject to registration in this state, and that the fee for
33 new registration for the vehicle is owed by the Iowa resident.
34 The 90-day grace period does not apply to such a vehicle,
35 and the department of transportation shall notify the Iowa

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1 resident in control of the vehicle of the requirement to obtain
2 a certificate of title and registration for the vehicle and
3 pay the applicable fee for registration within 30 days of the
4 date of the notice. The bill lists factors that identify a
5 shell business, including but not limited to lacking a specific
6 business activity or purpose, failing to maintain a physical
7 location in the foreign jurisdiction, failing to employ
8 individuals and issue federal W-2 forms, and failing to file
9 federal or state tax returns. Factors used to identify the
10 person in control of the vehicle include that the person was
11 the original purchaser of the vehicle; that the person operated
12 or stored the vehicle in Iowa for any period of time; that the
13 person is a partner, member, or shareholder of the nonresident
14 partnership, limited liability company, or corporation that
15 purports to be the owner of the vehicle; or that the person is
16 insured to operate the vehicle.

17 The bill provides that a person who willfully attempts to
18 evade payment of the fee for new registration is guilty of
19 a fraudulent practice. The bill also provides that a person
20 who is found to be in control of a vehicle that is owned by a
21 shell business and for which the fee for new registration is
22 unpaid is guilty of a fraudulent practice. In addition to any
23 criminal penalty, the person shall be assessed a penalty of
24 75 percent of the amount of the fee unpaid and required to be
25 paid. These are the same penalties that apply for making a
26 false statement in regard to the purchase price of a vehicle
27 subject to the fee for new registration.

28 Code section 321.116, which establishes an annual
29 registration fee of \$25 for an electric motor vehicle up to
30 five model years old and a fee of \$15 thereafter, is repealed.
31 As a result, electric motor vehicles will be subject to
32 registration fees based on the weight and value of the vehicle.
33 The change applies for registration years beginning on or after
34 January 1, 2014. However, current fees will continue to apply
35 to registration renewals for electric motor vehicles registered



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1 to the same owner for a registration year beginning prior to
2 January 1, 2014.



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Senate Study Bill 1205 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON EDUCATION BILL BY
CHAIRPERSON QUIRMBACH)

A BILL FOR

1 An Act relating to inspections of school buses and certain
2 other vehicles used to transport children and making
3 penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 285.8, subsection 4, Code 2013, is
2 amended to read as follows:
3 4. a. Inspect or cause to be inspected all vehicles used
4 as school buses to transport school children and all vehicles
5 otherwise regularly used to transport children to determine
6 if such vehicles meet all legal and established standards
7 of construction and can be operated with safety, comfort,
8 and economy. When it is determined that further use of such
9 vehicles is dangerous to the ~~pupils~~ children transported and to
10 the safety and welfare of the traveling public, the department
11 of education shall order such vehicle to be withdrawn from
12 further use on a specified date no later than thirty days
13 following such determination. School buses and vehicles
14 otherwise regularly used to transport children which do not
15 conform to the requirements of the department of education may
16 be issued a temporary certificate of operation provided that
17 such ~~school buses~~ vehicles can be operated with safety, and
18 provided further that no such certificate shall be issued for a
19 period in excess of ~~one year~~ thirty days. All equipment can be
20 required to be altered, or safety equipment added, in order to
21 make vehicles reasonably safe for operation. A vehicle which
22 does not pass an inspection shall be subject to a subsequent
23 inspection within not more than thirty days. A vehicle which
24 does not pass a subsequent inspection shall be removed from
25 service until such time as the vehicle passes an inspection.
26 New buses and vehicles otherwise regularly used to transport
27 children, after initial inspection and approval, shall be
28 issued a seal of inspection. After each annual inspection a
29 seal of inspection and approval shall be issued. ~~Said~~ The
30 seals shall be mounted on the lower right hand corner of the
31 windshield.
32 b. For purposes of this subsection, "vehicle otherwise
33 regularly used to transport children" means the same as defined
34 in section 321.1, subsection 91A.
35 Sec. 2. Section 321.1, Code 2013, is amended by adding the

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1 following new subsection:

2 NEW SUBSECTION. 91A. "*Vehicle otherwise regularly used*
3 *to transport children*" means every vehicle operated for the
4 transportation of children, except for the following:

5 a. School buses.

6 b. Vehicles privately owned and not operated for
7 compensation.

8 c. Vehicles used exclusively to transport children in the
9 immediate family of the driver.

10 d. Vehicles used to provide transportation service available
11 to the general public, whether or not for compensation.

12 e. Authorized emergency vehicles.

13 f. Vehicles incidentally used to transport children.

14 Sec. 3. Section 321.373, subsection 1, Code 2013, is amended
15 to read as follows:

16 1. Every school bus except private passenger vehicles
17 used as school buses and every vehicle otherwise regularly
18 used to transport children shall be constructed and equipped
19 to meet safety standards prescribed in rules adopted by the
20 state board of education. Such rules shall conform to safety
21 standards set forth in federal laws and regulations and shall
22 conform, insofar as practicable, to the minimum standards
23 for school buses recommended by the national conference on
24 school transportation administered by the national commission
25 on safety education and published by the national education
26 association.

27 Sec. 4. Section 321.374, Code 2013, is amended to read as
28 follows:

29 **321.374 Inspection — seal of approval.**

30 ~~No~~ A vehicle shall not be put into service as a school
31 bus or as a vehicle otherwise regularly used to transport
32 children until it is given an original inspection to determine
33 if it meets all legal and established uniform standards of
34 construction for the protection of the health and safety of
35 children to be transported. Vehicles which are approved shall

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1 be issued a seal of approval by the director of the department
2 of education. All vehicles used as school buses or vehicles
3 otherwise regularly used to transport children shall be given a
4 safety inspection at least once a year. ~~Buses~~ Vehicles passing
5 the inspection shall be issued an inspection seal of approval
6 by the director of the department of education. The seal of
7 original inspection and the annual seal of inspection shall be
8 affixed to the lower right hand corner of the windshield. A
9 vehicle which does not pass the inspection shall be subject to
10 a subsequent inspection within not more than thirty days. A
11 vehicle which does not pass a subsequent inspection shall be
12 removed from service until such time as the vehicle passes an
13 inspection.

14 Sec. 5. Section 321.379, Code 2013, is amended to read as
15 follows:

16 **321.379 Violations.**

17 A school board, individual, or organization shall not
18 purchase, construct, or contract for use, to transport ~~pupils~~
19 ~~to or from school~~ children, any school bus or vehicle otherwise
20 regularly used to transport children which does not comply with
21 the minimum requirements of section 321.373 and any individual,
22 or any member or officer of such board or organization who
23 authorizes, the purchase, construction, or contract for any
24 such ~~bus~~ vehicle not complying with these minimum requirements
25 commits a simple misdemeanor.

26 Sec. 6. Section 331.653, subsection 32, Code 2013, is
27 amended to read as follows:

28 32. Enforce sections 321.372 to 321.379 relating to school
29 buses and vehicles otherwise regularly used to transport
30 children.

31 Sec. 7. STATE MANDATE FUNDING SPECIFIED. In accordance
32 with section 25B.2, subsection 3, the state cost of requiring
33 compliance with any state mandate included in this Act shall
34 be paid by a school district from state school foundation aid
35 received by the school district under section 257.16. This

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1 specification of the payment of the state cost shall be deemed
2 to meet all of the state funding-related requirements of
3 section 25B.2, subsection 3, and no additional state funding
4 shall be necessary for the full implementation of this Act
5 by and enforcement of this Act against all affected school
6 districts.

7 EXPLANATION

8 Under current law, school buses cannot be put into service
9 until they have been inspected by the department of education.
10 School buses are also required to undergo annual inspections.
11 This bill provides that a school bus which does not pass an
12 inspection is subject to a subsequent inspection within not
13 more than 30 days. The bill requires a school bus which does
14 not pass such a subsequent inspection to be removed from
15 service until such time as the school bus passes an inspection.
16 The bill limits the time within which a school bus determined
17 to be dangerous to the children transported and to the safety
18 and welfare of the traveling public must be withdrawn from
19 use to no more than 30 days after the determination is made.
20 The bill reduces from one year to 30 days the duration of a
21 temporary certificate of operation issued to a school bus that
22 does not conform to department of education requirements.

23 The bill applies these inspection requirements to vehicles
24 otherwise regularly used to transport children. The bill
25 provides that vehicles otherwise regularly used to transport
26 children do not include school buses; vehicles privately owned
27 and not operated for compensation; vehicles used exclusively
28 to transport children in the immediate family of the driver;
29 vehicles used to provide transportation service available to
30 the general public, whether or not for compensation; authorized
31 emergency vehicles; or vehicles incidentally used to transport
32 children.

33 The bill provides that vehicles otherwise regularly used
34 to transport children must conform to minimum vehicle safety
35 inspection standards as far as practicable and as set out by

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1 the state board of education by rule.

2 Current law provides that a school board, individual, or
3 organization must not purchase, construct, or contract for
4 use of a school bus that does not comply with minimum state
5 standards. Current law provides that any person who authorizes
6 such an action is guilty of a simple misdemeanor. The bill
7 adds vehicles otherwise regularly used to transport children
8 to those requirements. A simple misdemeanor is punishable by
9 confinement for no more than 30 days or a fine of at least \$65
10 but not more than \$625 or by both.

11 The bill may include a state mandate as defined in Code
12 section 25B.3. The bill requires that the state cost of
13 any state mandate included in the bill be paid by a school
14 district from state school foundation aid received by the
15 school district under Code section 257.16. The specification
16 is deemed to constitute state compliance with any state mandate
17 funding-related requirements of Code section 25B.2. The
18 inclusion of this specification is intended to reinstate the
19 requirement of political subdivisions to comply with any state
20 mandates included in the bill.



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Senate Study Bill 1206 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON EDUCATION BILL BY
CHAIRPERSON QUIRMBACH)

A BILL FOR

1 An Act relating to education by modifying the duties and
2 operations of the department of education, community
3 colleges, the school budget review committee, and local
4 school boards, eliminating a reporting requirement relating
5 to vocational education funds, creating a task force to
6 review the reporting required of school districts, and
7 including applicability provisions.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 256.5A, Code 2013, is amended to read as
2 follows:

3 **256.5A Nonvoting member.**

4 1. a. The governor shall appoint the one nonvoting
5 student member of the state board for a term of ~~one year~~ two
6 years beginning and ending as provided in section 69.19. The
7 nonvoting student member shall be appointed from a list of
8 names submitted by the state board of education. Students
9 enrolled in ~~either grade ten or eleven~~ in a public school
10 may apply to the state board to serve as a nonvoting student
11 member.

12 b. The department shall develop an application process that
13 requires the consent of the student's parent or guardian if
14 the student is a minor, initial application approval by the
15 school district in which the student applicant is enrolled, and
16 submission of approved applications by a school district to the
17 department.

18 2. The nonvoting student member's school district of
19 enrollment shall notify the student's parents if the student's
20 grade point average falls during the period in which the
21 student is a member of the state board.

22 3. The state board shall adopt rules under chapter 17A
23 specifying criteria for the selection of applicants whose names
24 shall be submitted to the governor. Criteria shall include,
25 but are not limited to, academic excellence, participation
26 in extracurricular and community activities, and interest in
27 serving on the board. Rules adopted by the state board shall
28 also require, if the student is a minor, supervision of the
29 student by the student's parent or guardian while the student
30 is engaged in authorized state board business at a location
31 other than the community in which the student resides, unless
32 the student's parent or guardian submits to the state board a
33 signed release indicating the parent or guardian has determined
34 that supervision of the student by the parent or guardian is
35 unnecessary.



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1 4. The nonvoting student member appointment is not subject
2 to section 69.16 or 69.16A.

3 5. The nonvoting student member shall have been enrolled
4 in a public school in Iowa for at least one year prior to the
5 member's appointment. ~~A nonvoting student member who will not~~
6 ~~graduate from high school prior to the end of a second term may~~
7 ~~apply to the state board for submission of candidacy to the~~
8 ~~governor for a second one-year term.~~

9 6. A nonvoting student member shall be paid a per diem as
10 provided in section 7E.6 and the student and the student's
11 parent or guardian shall be reimbursed for actual and necessary
12 expenses incurred in the performance of the student's duties as
13 a nonvoting member of the state board.

14 7. A vacancy in the membership of the nonvoting student
15 member shall not be filled until the expiration of the term.

16 Sec. 2. Section 256.30, Code 2013, is amended to read as
17 follows:

18 **256.30 Educational expenses for American Indians.**

19 1. For the fiscal year beginning July 1, 2011, and ending
20 June 30, 2012, and for each succeeding fiscal year, there
21 is appropriated from the general fund of the state to the
22 department the sum of one hundred thousand dollars. The
23 department shall distribute the appropriation to the tribal
24 council of the Sac and Fox Indian settlement for expenses of
25 educating American Indian children residing in the Sac and Fox
26 Indian settlement on land held in trust by the secretary of
27 the interior of the United States in excess of federal moneys
28 paid to the tribal council for educating the American Indian
29 children ~~when moneys are appropriated for that purpose. The~~
30 ~~tribal council shall administer the moneys distributed pursuant~~
31 ~~to this section and shall submit an annual report and other~~
32 ~~reports as required by the department to the department on the~~
33 ~~expenditure of the moneys.~~

34 2. The tribal council shall administer the moneys
35 distributed by the department pursuant to subsection 1 and



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1 shall first use moneys distributed to it by the department
2 of education for the purposes of this section to pay the
3 additional costs of salaries for licensed instructional staff
4 for educational attainment and full-time equivalent years
5 of experience to equal the salaries listed on the proposed
6 salary schedule for the school at the Sac and Fox Indian
7 settlement for that school year, but the salary for a licensed
8 instructional staff member employed on a full-time basis shall
9 not be less than eighteen thousand dollars. The department of
10 management shall approve allotments of moneys appropriated in
11 and distributed pursuant to this section when the department of
12 education certifies to the department of management that the
13 requirements of this section have been met.

14 Sec. 3. Section 257.6, subsection 1, paragraph a,
15 subparagraph (3), Code 2013, is amended to read as follows:

16 (3) Shared-time and part-time pupils of school age enrolled
17 in public schools within the district, irrespective of the
18 districts in which the pupils reside, in the proportion that
19 the time for which they are enrolled or receive instruction for
20 the school year is to the time that full-time pupils carrying
21 a normal course schedule, at the same grade level, in the
22 same school district, for the same school year, are enrolled
23 and receive instruction. Tuition charges to the parent or
24 guardian of a shared-time or part-time nonresident pupil shall
25 be reduced by the amount of any increased state aid received by
26 the district by the counting of the pupil. This subparagraph
27 applies to pupils enrolled in grades nine through twelve under
28 section 299A.8 and to pupils from accredited nonpublic schools
29 accessing classes or services on the accredited nonpublic
30 school premises or the school district site, but excludes
31 accredited nonpublic school pupils receiving classes or
32 services funded by federal grants or allocations.

33 Sec. 4. Section 257.11, subsection 3, paragraph c, Code
34 2013, is amended by striking the paragraph.

35 Sec. 5. Section 257.11, Code 2013, is amended by adding the



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1 following new subsection:

2 NEW SUBSECTION. 7A. *District to community college*
3 *innovative sharing project.* A school district that collaborates
4 with a community college to provide pupils enrolled in the
5 school district's high school with a class that uses an
6 activities-based, project-based, and problem-based learning
7 approach that is offered through a partnership with a
8 nationally recognized provider of rigorous and innovative
9 science, technology, engineering, and mathematics curriculum
10 for schools, which provider is exempt from taxation under
11 section 501(c)(3) of the Internal Revenue Code, is eligible to
12 assign its resident pupils attending the class an additional
13 weighting of the percentage of the pupil's school day during
14 which the pupil attends a class described in this subsection
15 times seventy hundredths. To qualify for additional weighting,
16 the class must supplement, not supplant, high school courses
17 required to be offered pursuant to section 256.11, subsection
18 5.

19 Sec. 6. Section 257.31, subsection 2, Code 2013, is amended
20 to read as follows:

21 2. The committee shall specify publish on the department
22 of education's internet site the number of hearings held
23 annually by the committee during the most recent fiscal year,
24 ~~the reasons for the committee's recommendations, a summary of~~
25 the committee's decisions and recommendations issued during
26 the most recent fiscal year, information about the amounts of
27 property tax levied by school districts for a cash reserve,
28 and other information the committee deems advisable ~~on the~~
29 ~~department of education's internet website.~~

30 Sec. 7. Section 257.37, subsection 4, Code 2013, is amended
31 to read as follows:

32 4. "*Enrollment served*" means the basic enrollment plus the
33 number of nonpublic school pupils served with media services
34 or educational services, as applicable, except that if a
35 nonpublic school pupil or a pupil attending another district



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1 under a whole grade sharing agreement or open enrollment
2 receives services through an area other than the area of the
3 pupil's residence, the pupil shall be deemed to be served by
4 the area of the pupil's residence, which shall by contractual
5 arrangement reimburse the area through which the pupil actually
6 receives services. Each school district shall include in
7 the enrollment report submitted pursuant to section 257.6,
8 subsection 1, the number of nonpublic school pupils within each
9 school district for media and educational services served by
10 the area. However, the school district shall not include in
11 the enrollment report nonpublic school pupils receiving classes
12 or services funded by federal grants or allocations.

13 Sec. 8. Section 258.12, Code 2013, is amended to read as
14 follows:

15 **258.12 Custodian of funds — reports.**

16 The treasurer of state shall be custodian of the funds
17 paid to the state from the appropriations made under said Act
18 of Congress, and shall disburse the same on vouchers audited
19 as provided by law. ~~The treasurer of state shall report~~
20 ~~the receipts and disbursements of said funds to the general~~
21 ~~assembly at each biennial session.~~

22 Sec. 9. Section 259A.1, Code 2013, is amended to read as
23 follows:

24 **259A.1 Tests.**

25 The department of education shall cause to be made
26 available for qualified individuals a high school equivalency
27 diploma. The diploma shall be issued on the basis of
28 satisfactory competence as shown by tests covering all of the
29 following: reading, ~~arts~~, language arts, ~~writing~~ literacy,
30 mathematics, science, and social studies.

31 Sec. 10. Section 259A.2, unnumbered paragraph 2, Code 2013,
32 is amended to read as follows:

33 Application shall be made to a testing center approved by the
34 department of education, accompanied by an application fee in
35 an amount prescribed by the department. The test scores shall



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1 be forwarded by the ~~testing-center~~ scorer of the test to the
2 department.

3 Sec. 11. Section 273.3, subsection 12, Code 2013, is amended
4 to read as follows:

5 12. Prepare an annual budget estimating income and
6 expenditures for programs and services as provided in sections
7 273.1, 273.2, this section, sections 273.4 to 273.9, and
8 chapter 256B within the limits of funds provided under section
9 256B.9 and chapter 257. The board shall give notice of a
10 public hearing on the proposed budget by publication in an
11 official county newspaper in each county in the territory
12 of the area education agency in which the principal place
13 of business of a school district that is a part of the area
14 education agency is located. The notice shall specify the
15 date, which shall be not later than March 1 of each year, the
16 time, and the location of the public hearing. The proposed
17 budget as approved by the board shall then be submitted to the
18 state board of education, on forms provided by the department,
19 no later than March 15 preceding the next fiscal year for
20 approval. The state board shall review the proposed budget of
21 each area education agency and shall before ~~April~~ May 1, either
22 grant approval or return the budget without approval with
23 comments of the state board included. An unapproved budget
24 shall be resubmitted to the state board for final approval not
25 later than ~~April~~ May 15. ~~For the fiscal year beginning July~~
26 ~~1, 1999, and each succeeding fiscal year, the~~ The state board
27 shall give final approval only to budgets submitted by area
28 education agencies accredited by the state board or that have
29 been given conditional accreditation by the state board.

30 Sec. 12. Section 273.13, Code 2013, is amended to read as
31 follows:

32 **273.13 Administrative expenditures.**

33 ~~During the budget year beginning July 1, 1989, and the~~
34 ~~three succeeding budget years, the board of directors of~~
35 ~~an area education agency in which the~~ The administrative



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1 expenditures as a percent of the an area education agency's
2 operating general fund for a base year shall not exceed five
3 percent ~~shall reduce its administrative expenditures to five~~
4 ~~percent of the area education agency's operating fund. During~~
5 ~~each of the four years, the board of directors shall reduce~~
6 ~~administrative expenditures by twenty-five percent of the~~
7 ~~reduction in administrative expenditure required by this~~
8 ~~section. Thereafter, the administrative expenditures shall~~
9 ~~not exceed five percent of the operating fund. Annually, the~~
10 board of directors shall certify to the department of education
11 the amounts of the area education agency's expenditures and
12 its operating general fund. For the purposes of this section,
13 "base year" and "budget year" mean means the same as defined in
14 ~~section 442.6, Code 1989, and section 257.2, and "administrative~~
15 ~~expenditures"~~ means expenditures for executive administration.
16 Sec. 13. Section 273.23, subsection 5, Code 2013, is amended
17 to read as follows:

18 5. The initial board, or new board if established in time
19 under subsection 3, of the newly formed agency shall prepare an
20 annual budget estimating income and expenditures for programs
21 and services as provided in sections 273.1 through 273.9
22 and chapter 256B within the limits of funds provided under
23 section 256B.9 and chapter 257. The board shall give notice
24 of a public hearing on the proposed budget by publication in
25 an official county newspaper in each county in the territory
26 of the area education agency in which the principal place
27 of business of a school district that is a part of the area
28 education agency is located. The notice shall specify the
29 date, which shall not be later than March 1, the time, and
30 the location of the public hearing. The proposed budget as
31 approved by the board shall be submitted to the state board,
32 on forms provided by the department, no later than March 15
33 for approval. The state board shall review the proposed
34 budget of the newly formed area education agency and shall,
35 before ~~April~~ May 1, either grant approval or return the budget

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1 without approval with comments of the state board included. An
2 unapproved budget shall be resubmitted to the state board for
3 final approval not later than ~~April~~ May 15. The state board
4 shall give final approval only to budgets submitted by area
5 education agencies accredited by the state board or that have
6 been given conditional accreditation by the state board.

7 Sec. 14. Section 275.23A, subsection 2, Code 2013, is
8 amended to read as follows:

9 2. Following each federal decennial census the school
10 board shall determine whether the existing director district
11 boundaries meet the standards in subsection 1 according to
12 the most recent federal decennial census. In addition to the
13 authority granted to voters to change the number of directors
14 or method of election as provided in sections 275.35, 275.36,
15 and 278.1, the board of directors of a school district may,
16 following a federal decennial census, by resolution and in
17 accordance with this section, authorize a change in the method
18 of election as set forth in section 275.12, subsection 2, or
19 a change to either five or seven directors after the board
20 conducts a hearing on the resolution. If the board proposes to
21 change the number of directors from seven to five directors,
22 the resolution shall include a plan for reducing the number
23 of directors. If the board proposes to increase the number
24 of directors to seven directors, two directors shall be
25 added according to the procedure described in section 277.23,
26 subsection 2. If necessary, the board of directors shall
27 redraw the director district boundaries. The director district
28 boundaries shall be described in the resolution adopted by
29 the school board. The resolution shall be adopted no earlier
30 than November 15 of the second year immediately following the
31 year in which the federal decennial census is taken nor later
32 than May 15 of the ~~second~~ third year immediately following
33 the year in which the federal decennial census is taken.
34 A copy of the plan shall be filed with the area education
35 agency administrator of the area education agency in which the



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1 school's electors reside. If the board does not provide for
2 an election as provided in sections 275.35, 275.36, and 278.1
3 and adopts a resolution to change the number of directors or
4 method of election in accordance with this subsection, the
5 district shall change the number of directors or method of
6 election as provided unless, within twenty-eight days following
7 the action of the board, the secretary of the board receives a
8 petition containing the required number of signatures, asking
9 that an election be called to approve or disapprove the action
10 of the board in adopting the resolution. The petition must be
11 signed by eligible electors equal in number to not less than
12 one hundred or thirty percent of the number of voters at the
13 last preceding regular school election, whichever is greater.
14 The board shall either rescind its action or direct the
15 county commissioner of elections to submit the question to the
16 registered voters of the school district at an election held
17 on a date specified in section 39.2, subsection 4, paragraph
18 "c". If a majority of those voting on the question at the
19 election favors disapproval of the action of the board, the
20 district shall not change the number of directors or method of
21 election. If a majority of those voting on the question does
22 not favor disapproval of the action, the board shall certify
23 the results of the election to the department of management and
24 the district shall change the number of directors or method of
25 election as provided in this subsection. At the expiration of
26 the twenty-eight-day period, if no petition is filed, the board
27 shall certify its action to the department of management and
28 the district shall change the number of directors or method of
29 election as provided in this subsection.

30 Sec. 15. Section 278.1, subsection 1, paragraph e, Code
31 2013, is amended to read as follows:

32 e. Direct the transfer of any surplus in the debt service
33 fund, physical plant and equipment levy fund, or other capital
34 projects project funds, or public education and recreation levy
35 fund to the general fund.



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1 Sec. 16. Section 279.30, Code 2013, is amended to read as
2 follows:

3 **279.30 Exceptions.**

4 Each payment must be made payable to the person entitled to
5 receive the money or deposited directly into an account at a
6 financial institution, as defined in section 527.2, specified
7 by the person entitled to receive the money. The board of
8 directors of a school district or an area education agency may
9 by resolution authorize the secretary, upon approval of the
10 superintendent or designee, or administrator, in the case of
11 an area education agency, to issue payments when the board
12 of directors is not in session in payment of reasonable and
13 necessary expenses, but only upon verified bills filed with the
14 secretary or administrator, and for the payment of salaries
15 pursuant to the terms of a written contract. Each payment
16 must be made payable only to the person performing the service
17 or presenting the verified bill, and must state the purpose
18 for which the payment is issued. All bills and salaries for
19 which payments are issued prior to audit and allowance by the
20 board must be passed upon by the board of directors at the next
21 meeting and be entered in the regular minutes of the secretary.

22 Sec. 17. Section 279.42, Code 2013, is amended to read as
23 follows:

24 **279.42 Gifts to schools.**

25 The board of directors of a school district ~~which that~~
26 receives funds through gifts, ~~devises, and bequests~~ a gift,
27 devise, or bequest shall deposit ~~these the~~ funds in a trust
28 and fund, permanent fund, or agency fund and shall use them
29 the funds in accordance with the terms of the gift, devise, or
30 bequest.

31 Sec. 18. Section 279.45, Code 2013, is amended to read as
32 follows:

33 **279.45 Administrative expenditures.**

34 ~~For the budget year beginning July 1, 1989, and each of~~
35 ~~the following three budget years, the board of directors of a~~

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1 ~~school district in which the~~ The administrative expenditures
2 as a percent of ~~the~~ a school district's operating general fund
3 for a base year shall not exceed five percent, ~~shall reduce its~~
4 ~~administrative expenditures so that they are one-half percent~~
5 ~~less as a percent of the school district's operating fund than~~
6 ~~they were for the base year. However, a school district is~~
7 ~~not required to reduce its administrative expenditures below~~
8 ~~five percent of its operating fund. Thereafter, a school~~
9 ~~district shall not increase the percent of its administrative~~
10 ~~expenditures compared to its operating fund. Annually,~~
11 the board of directors shall certify to the department of
12 education the amounts of the school district's administrative
13 expenditures and its operating general fund. For the purposes
14 of this section, "base year" and "budget year" mean means
15 the same as defined in ~~section 442.6, Code 1989,~~ and section
16 257.2, and "administrative expenditures" means expenditures for
17 executive administration.

18 Sec. 19. Section 282.10, subsection 4, Code 2013, is amended
19 to read as follows:

20 4. A whole grade sharing agreement shall be signed by the
21 boards of the districts involved in the agreement not later
22 than February 1 of the school year preceding the school year
23 for which the agreement is to take effect. The boards of
24 the districts shall negotiate as part of the new or existing
25 agreement the disposition of ~~teacher quality~~ funding provided
26 under chapter 284.

27 Sec. 20. Section 282.20, unnumbered paragraph 3, Code 2013,
28 is amended to read as follows:

29 On or before February 15 and ~~June~~ July 15 of each year
30 the secretary of the creditor district shall deliver to the
31 secretary of the debtor district an itemized statement of such
32 tuition fees.

33 Sec. 21. Section 291.1, Code 2013, is amended to read as
34 follows:

35 **291.1 President — duties.**



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1 The president of the board of directors shall preside at
2 all of its meetings, sign all contracts made by the board, and
3 appear ~~in~~ on behalf of the corporation in all actions brought
4 by or against it, unless individually a party, in which case
5 this duty shall be performed by the secretary. The president
6 or the president's designee shall sign, using an original or
7 facsimile signature, all school district ~~warrants~~ payments
8 drawn and authorize electronic funds transfers as provided by
9 law. The board of directors, by resolution, may designate an
10 individual, who shall not be the secretary, to sign ~~warrants~~
11 payments or authorize electronic funds transfers on behalf of
12 the president.

13 Sec. 22. Section 291.6, subsection 3, Code 2013, is amended
14 by striking the subsection and inserting in lieu thereof the
15 following:

16 3. *Accounting records.* Keep an accurate accounting record
17 of each payment or electronic funds transfer from each fund
18 which shall be provided monthly to the board of directors. The
19 secretary of the creditor district shall prepare and deliver to
20 debtor districts an itemized statement of tuition fees charged
21 in accordance with sections 275.55A and 282.11, and section
22 282.24, subsection 1.

23 Sec. 23. Section 291.6, subsection 4, Code 2013, is amended
24 to read as follows:

25 4. *Claims.* Keep an accurate ~~account~~ accounting of all
26 expenses incurred by the corporation, and present the same to
27 the board for audit and payment.

28 Sec. 24. Section 291.7, Code 2013, is amended to read as
29 follows:

30 **291.7 Monthly receipts, disbursements, and balances.**

31 The secretary of each district shall file monthly with the
32 board of directors a complete statement of all receipts and
33 disbursements from ~~the various funds~~ each individual fund
34 during the preceding month, and also the balance remaining on
35 hand in ~~the various funds~~ each individual fund at the close of

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1 the period covered by the statement, which monthly statements
2 shall be open to public inspection.

3 Sec. 25. Section 291.8, Code 2013, is amended by striking
4 the section and inserting in lieu thereof the following:

5 **291.8 Payments and electronic funds transfers.**

6 The secretary shall make each authorized payment,
7 countersign using an original or facsimile signature, and
8 maintain accounting records of the payments or electronic funds
9 transfers, showing the number, date, payee, originating fund,
10 the purpose, and the amount, and shall provide to the board at
11 each regular annual meeting a copy of the accounting records
12 maintained by the secretary.

13 Sec. 26. Section 291.12, Code 2013, is amended to read as
14 follows:

15 **291.12 Duties of treasurer — ~~payment of warrants~~ receipts**
16 **and expenditures.**

17 The treasurer shall receive all moneys belonging to the
18 corporation, pay the same out only upon the order of the
19 president countersigned by the secretary, keeping and shall
20 keep an accurate account accounting record of all receipts
21 and expenditures ~~in a book provided for that purpose.~~ The
22 treasurer shall register all ~~orders drawn~~ payments and
23 electronic funds transfers made and reported to the treasurer
24 by the secretary, showing the number, date, to whom drawn, the
25 fund ~~upon~~ from which ~~drawn~~ each payment and transfer was made,
26 the purpose and amount.

27 Sec. 27. Section 291.14, Code 2013, is amended to read as
28 follows:

29 **291.14 Financial statement.**

30 The treasurer shall render a statement of the finances of the
31 corporation whenever required by the board, and the treasurer's
32 ~~books~~ accounting records shall always be open for inspection.

33 Sec. 28. Section 298.2, subsections 1 and 5, Code 2013, are
34 amended to read as follows:

35 1. A physical plant and equipment levy of not exceeding

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1 one dollar and sixty-seven cents per thousand dollars of
2 assessed valuation in the district is established except as
3 otherwise provided in this subsection. The physical plant
4 and equipment levy consists of the regular physical plant
5 and equipment levy of not exceeding thirty-three cents per
6 thousand dollars of assessed valuation in the district and
7 a voter-approved physical plant and equipment levy of not
8 exceeding one dollar and thirty-four cents per thousand
9 dollars of assessed valuation in the district. However, the
10 voter-approved physical plant and equipment levy may consist
11 of a combination of a physical plant and equipment property
12 tax levy and a physical plant and equipment income surtax
13 as provided in subsection 4 with the maximum amount levied
14 and imposed limited to an amount that could be raised by a
15 one dollar and thirty-four cent property tax levy. ~~The levy~~
16 ~~limitations of this subsection are subject to subsection 6.~~
17 5. a. The proposition to levy the voter-approved physical
18 plant and equipment levy is not affected by a change in
19 the boundaries of the school district, except as otherwise
20 provided in this section. If each school district involved
21 in a school reorganization under chapter 275 has adopted
22 the voter-approved physical plant and equipment levy ~~or the~~
23 ~~sixty-seven and one-half cents per thousand dollars of assessed~~
24 ~~value schoolhouse levy under section 278.1, subsection 7,~~
25 ~~Code 1989, prior to July 1, 1991,~~ and if the voters have not
26 voted upon the proposition to levy the voter-approved physical
27 plant and equipment levy in the reorganized district, the
28 existing voter-approved physical plant and equipment levy ~~or~~
29 ~~the existing schoolhouse levy, as applicable,~~ is in effect for
30 the reorganized district for the least amount and the shortest
31 time for which it is in effect in any of the districts.
32 b. ~~Authorized levies~~ An authorized levy for the period of
33 time approved ~~are~~ is not affected as a result of a failure of a
34 proposition proposed to expand the purposes for which the funds
35 may be expended.



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1 Sec. 29. Section 298.2, subsection 6, Code 2013, is amended
2 by striking the subsection.

3 Sec. 30. Section 298.3, subsection 1, Code 2013, is amended
4 by adding the following new paragraph:

5 NEW PARAGRAPH. *n.* The purchase, lease, or lease-purchase of
6 desks, furniture, or fixtures exceeding five hundred dollars in
7 value per purchase, lease, or lease-purchase transaction. Each
8 transaction may include multiple desk, furniture, or fixture
9 units.

10 Sec. 31. Section 298A.4, Code 2013, is amended to read as
11 follows:

12 **298A.4 Physical plant and equipment levy fund.**

13 The physical plant and equipment levy fund is a ~~special~~
14 revenue capital project fund. A physical plant and equipment
15 levy fund must be established in any school corporation which
16 levies the tax authorized, whether regular or voter-approved,
17 under section 298.2.

18 Sec. 32. Section 298A.9, Code 2013, is amended to read as
19 follows:

20 **298A.9 Capital project funds.**

21 A capital project fund must be established in any school
22 corporation which issues bonds or other authorized indebtedness
23 for capital projects or which initiates a capital project, or
24 which receives grants or other funds for capital projects.
25 Boards are authorized to establish more than one capital
26 project fund as necessary. Any balance remaining in a capital
27 project fund after the capital project is completed may be
28 retained for future capital projects in accordance with the
29 original purpose of the bond issue or voter-approved levy; or
30 may be transferred, by board resolution, to the debt service
31 fund, to the physical plant and equipment levy fund or another
32 capital project fund, or ~~either~~ to the fund from which the
33 surplus originated; or transferred to the general fund in
34 accordance with section 278.1, subsection 1, paragraph "e".

35 Sec. 33. Section 298A.13, Code 2013, is amended to read as

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1 follows:

2 **298A.13 Trust, permanent, or agency funds.**

3 Trust, permanent, or agency funds shall be established by
4 any school corporation to account for gifts it receives to
5 be used for a particular purpose or to account for money and
6 property received and administered by the district as trustee
7 or custodian or in the capacity of an agent. Boards may
8 establish trust ~~and~~, permanent, or agency funds as necessary.

9 Sec. 34. Section 321.375, subsection 2, Code 2013, is
10 amended to read as follows:

11 2. Prior to hiring an applicant for a school bus driver
12 position, including a contract position, an employer shall have
13 access to and shall review the information in the Iowa court
14 information system available to the general public, the sex
15 offender registry information under section 692A.121 available
16 to the general public, the central registry for child abuse
17 information established under section 235A.14, and the central
18 registry for dependent adult abuse information established
19 under section 235B.5 for information regarding the applicant.
20 An employer shall follow the same procedure ~~every five years~~
21 upon the renewal of an employee's or contract employee's school
22 bus driver's license issued by the department of transportation
23 valid for the operation of a school bus. An employer shall
24 pay for the cost of the registry checks conducted pursuant to
25 this subsection. An employer shall maintain documentation
26 demonstrating compliance with this subsection.

27 Sec. 35. Section 423F.3, subsection 1, paragraph d, Code
28 2013, is amended by striking the paragraph.

29 Sec. 36. REPEAL. Sections 256.20, 256.21, 256.22, 256.23,
30 256.38, 297.35, and 298A.5, Code 2013, are repealed.

31 Sec. 37. SCHOOL DISTRICT REPORTING REQUIREMENT TASK FORCE
32 — STATE BOARD OF EDUCATION.

33 1. a. A reporting requirement review task force is
34 established consisting of five members who shall be appointed
35 by the director of the department of education as follows:

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1 (1) One member from nominees submitted by an organization
2 representing the boards of Iowa school districts.

3 (2) One member from nominees submitted by an organization
4 representing Iowa school administrators.

5 (3) One member from nominees submitted by a certified
6 employee organization representing Iowa teachers.

7 (4) One member representing the department of education.

8 (5) One member representing the general public.

9 b. The member representing the department of education
10 shall convene the initial meeting, at which the members shall
11 elect a chairperson.

12 2. The department of education shall compile a list of
13 reports that school districts are required to submit to the
14 department biennially or more frequently. The department shall
15 submit the list to the reporting requirement review task force
16 by September 1, 2013.

17 3. The task force shall review the list submitted by the
18 department pursuant to subsection 2. For each reporting
19 requirement listed, the task force shall produce written
20 justification for continuing, modifying, or eliminating
21 the requirement. The task force shall compile its written
22 justifications in a report the task force shall submit to
23 the state board of education and to the general assembly by
24 December 1, 2013.

25 4. The state board of education shall review the report
26 submitted pursuant to paragraph "c", and shall determine which
27 of the task force recommendations for modifying or eliminating
28 requirements may be accomplished by administrative rule and
29 which must be accomplished by statute. The state board shall
30 submit its findings and recommendations, including plans
31 for board action relating to administrative rules and board
32 recommendations for specific statutory changes, in a report to
33 the general assembly by February 1, 2014.

34 Sec. 38. APPLICABILITY. The following provision or
35 provisions of this Act apply to school budget years beginning

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1 on or after July 1, 2013:

2 1. The section of this Act amending section 298.3,
3 subsection 1.

4 EXPLANATION

5 This bill makes various changes to Code provisions relating
6 to education as follows:

7 STUDENT STATE BOARD OF EDUCATION MEMBER. Code section
8 256.5A is amended to increase the term of the nonvoting student
9 member of the state board of education from one year to two
10 years, and provides that the student must be enrolled in grade
11 10 when applying for the appointment. Currently, a student may
12 be enrolled in grade 10 or 11 at the time the student applies.

13 AMERICAN INDIAN EDUCATION EXPENSES. Code section 256.30
14 provides for the distribution and administration of moneys to
15 pay the expense of educating American Indian children residing
16 in the Sac and Fox Indian settlement. The bill eliminates
17 language that requires the tribal council to submit an annual
18 report and other reports as required to the department of
19 education on the expenditure of the moneys, and eliminates
20 language that requires the department of education to certify
21 compliance before the department of management can approve
22 allotment of the moneys.

23 ACCREDITED NONPUBLIC SCHOOL PUPIL ENROLLMENT. Code section
24 257.6 is amended to specify that dual enrolled pupils in
25 grades 9 through 12 and accredited nonpublic school pupils
26 enrolled part-time in a school district are eligible to be
27 counted proportionally as shared-time or part-time pupils
28 in a school district's enrollment, but accredited nonpublic
29 pupils receiving classes or services funded by federal grants
30 or allocations are not eligible to be counted in a school
31 district's enrollment. The bill makes a corresponding change
32 to the definition of "enrollment served" in Code section
33 257.37, subsection 4.

34 VOCATIONAL EDUCATION REPORT. The bill amends Code section
35 258.12 to eliminate a provision that requires the treasurer of



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1 state to annually report to the general assembly the receipts
2 and disbursements of the funds paid to the state under the
3 federal Carl D. Perkins Vocational and Technical Education Act
4 of 1998.

5 HIGH SCHOOL EQUIVALENCY DIPLOMAS. The bill amends Code
6 sections 259A.1 and 259A.2 to change subjects covered by high
7 school equivalency diploma tests by eliminating arts and
8 writing and adding literacy, and to require the test scorer,
9 rather than the testing center, to forward test scores to the
10 department.

11 DISTRICT-TO-COMMUNITY COLLEGE INNOVATIVE SHARING
12 PROJECT. The bill separates from language that provides for
13 district-to-community college sharing and concurrent enrollment
14 program requirements a provision assigning additional
15 supplementary weighting for high school pupils who are enrolled
16 in a class that uses an activities-based, project-based, and
17 problem-based learning approach offered through a partnership
18 with a nationally recognized nonprofit provider of rigorous and
19 innovative science, technology, engineering, and mathematics
20 curriculum for schools. The bill moves the language to a new
21 subsection of Code section 257.11 and authorizes a school
22 district to assign its resident pupils attending the class an
23 additional weighting of the percentage of the pupil's school
24 day during which the pupil attends such classes times seventy
25 hundredths.

26 SCHOOL BUDGET REVIEW COMMITTEE INTERNET SITE INFORMATION.
27 Code section 257.31 is amended to eliminate a requirement that
28 the school budget review committee specify on its internet
29 site annually the reasons for its recommendations, and to add
30 a requirement that the committee publish a summary of its
31 decisions and recommendations issued during the most recent
32 fiscal year.

33 AEA BUDGET DEADLINES. Code sections 273.3 and 273.23
34 are amended to extend by one month the dates by which area
35 education agency proposed budgets must be reviewed, approved,

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1 or returned by the state board and resubmitted to the state
2 board if the first submission is not approved.

3 REDISTRICTING FOLLOWING FEDERAL DECENNIAL CENSUS. Code
4 section 275.23A is amended to move the dates back by which a
5 resolution describing new director district boundaries must be
6 adopted by the school board if the school board redraws its
7 director district boundaries following the federal decennial
8 census. Currently, the resolution can be adopted no earlier
9 than November 15 of the year immediately following the year
10 in which the federal decennial census is taken nor later than
11 May 15 of the second year immediately following the year in
12 which the federal decennial census is taken. The bill moves
13 the timelines to no sooner than November 15 of the second year
14 following the federal decennial census and no later than May 15
15 of the third year following the federal decennial census.

16 SCHOOL AND AEA BOARD PAYMENTS AND WARRANTS. Code section
17 279.30 is amended to allow the board of directors of a
18 school district or of an AEA to direct deposit a payment at
19 a financial institution specified by the person entitled to
20 the money. Code sections 291.1, 291.6, 291.7, 291.8, 291.12,
21 and 291.14 are amended to replace references to "books",
22 "registers", and "warrants" with references to payments,
23 electronic funds transfers, and accounting records and to make
24 related changes.

25 SCHOOL FUNDS FOR GIFTS. Code sections 279.42 and 298A.13 are
26 amended to give school districts the option of establishing a
27 permanent fund for gifts received and to allow school districts
28 to deposit funds received from gifts, devises, and bequests
29 into a trust fund, permanent fund, or agency fund.

30 SCHOOL DISTRICT ADMINISTRATIVE EXPENDITURES. Code sections
31 273.13 and 279.45 are amended to modify language related
32 to a requirement that a school district limit its annual
33 administrative expenses to not more than 5 percent of its
34 general fund for a base year and to replace references to the
35 term "operating fund" with "general fund".



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1 WHOLE GRADE SHARING AGREEMENTS. Code section 282.10 is
2 amended to provide that the boards of directors of school
3 districts must negotiate the disposition of any funding
4 provided under Code chapter 284, not solely teacher quality
5 funding.

6 TUITION FEES. The bill amends Code section 282.20 to change
7 the date by which the secretary of a creditor district must
8 deliver to the secretary of a debtor district an itemized
9 statement of the tuition fees for nonresident pupils enrolled
10 by the creditor district.

11 REVENUES FROM CERTAIN LEVIES. The bill modifies Code
12 section 298.3(1) to allow the revenue from the regular and
13 voter-approved physical plant and equipment levies to be
14 expended for the purchase, lease, or lease-purchase of desks,
15 furniture, or fixtures exceeding \$500 in value per transaction.
16 Each transaction may include multiple units. These provisions
17 apply to school budget years beginning on or after July 1,
18 2013.

19 PHYSICAL PLANT AND EQUIPMENT LEVY. Code section 298A.4
20 is amended to describe the physical plant and equipment levy
21 fund as a "capital project fund", rather than a "special
22 revenue fund". Corresponding changes are made to Code sections
23 278.1(1)(e), 298.2(5)(a), and 298A.9, while Code sections
24 298.2(6) and 423F.3(1)(d) are stricken.

25 SCHOOL BUS DRIVERS. The bill amends Code section 321.375 to
26 provide that the employer of a school bus driver must conduct
27 a review of information in the Iowa court information system
28 and the sex offender, child abuse, and dependent adult abuse
29 registries for information about the driver upon renewal of the
30 driver's school bus driver's license. Currently, the review
31 is required to be conducted every five years upon renewal of
32 the license.

33 OTHER REPEALS. The bill repeals Code sections relating to
34 authorization sought by school districts from the department
35 of education for the maintenance of year around schools, for



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1 a grant program to provide sabbaticals for teachers, for
2 an extended year school grant program, for a pilot project
3 to encourage the advancement of women and minorities to
4 administrative positions in a school district, and for the
5 development of a statewide school-to-work system. The bill
6 also repeals references to the schoolhouse tax levy and fund.

7 SCHOOL DISTRICT REPORTING REQUIREMENT TASK FORCE —
8 STATE BOARD OF EDUCATION. The bill establishes a reporting
9 requirement review task force and directs the department of
10 education to compile a list of reports that school districts
11 are required to submit to the department biennially or more
12 frequently. The department must submit the list to the task
13 force by September 1, 2013.

14 The task force consists of five members appointed by the
15 director of the department of education. Three of the five
16 members shall be appointed from nominees submitted by an
17 organization representing the boards of Iowa school districts,
18 an organization representing Iowa school administrators, and
19 a certified employee organization representing Iowa teachers.
20 One member shall represent the department of education, and the
21 final member shall represent the general public.

22 The task force shall review the list submitted by the
23 department and, for each reporting requirement listed, the
24 task force shall produce written justification for continuing,
25 modifying, or eliminating the requirement. The task force
26 shall compile its written justifications in a report the task
27 force shall submit to the state board of education and the
28 general assembly by December 1, 2013.

29 The state board shall review the report and shall determine
30 which task force recommendations for modifying or eliminating
31 requirements may be accomplished by administrative rule and
32 which must be accomplished by statute. The state board shall
33 submit its findings and recommendations, including plans
34 for board action relating to administrative rules and board
35 recommendations for specific statutory changes, in a report to

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1 the general assembly by February 1, 2014.



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Senate Study Bill 1207 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON SENG)

A BILL FOR

1 An Act relating to the state government, by providing for
2 the transfer of powers and duties from the agricultural
3 development authority to the Iowa finance authority,
4 the composition of the Iowa finance authority board of
5 directors, the administration of programs by the board, the
6 implementation of law by the board, and including effective
7 date provisions.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

GENERAL PROVISIONS

Section 1. Section 16.1, subsection 1, Code 2013, is amended by adding the following new paragraphs:

NEW PARAGRAPH. *0c.* "Board" means the Iowa finance authority board of directors created pursuant to section 16.2.

NEW PARAGRAPH. *0j.* "Executive director" means the executive director of the Iowa finance authority as appointed pursuant to section 16.6.

Sec. 2. NEW SECTION. 16.1A Creation — administration of programs.

1. The Iowa finance authority is created, and constitutes a public instrumentality and agency of the state exercising public and essential governmental functions.

2. The authority shall undertake and administer the following:

a. Programs established under this chapter to assist in attainment of adequate housing for low-or moderate-income families, elderly families, and families which include one or more persons with disabilities, and to undertake the various finance programs under this chapter.

b. Programs which assist qualified farmers or agricultural producers, including beginning farmers, as provided in chapter 175.

3. The Iowa finance authority board of directors shall have general control, supervision, and regulation of all authority programs established under this chapter and chapter 175. The authority is charged with the broad administrative authority to make, administer, interpret, construe, repeal, and execute the rules, and to administer, interpret, construe, and execute the laws of this state relating to such programs. The board may, by resolution, delegate to the executive director or other authority employee such of its powers, under such terms and conditions, as it deems appropriate.

4. A program established in this chapter may be combined

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1 with any other program authorized in this chapter, under
2 chapter 175, or under a federal program in order to facilitate
3 as far as practicable the acquisition of agricultural land
4 and property by beginning farmers or to facilitate the
5 implementation of permanent soil and water conservation
6 practices and the acquisition of conservation farm equipment as
7 provided in chapter 175.

8 Sec. 3. Section 16.2, subsection 1, Code 2013, is amended
9 to read as follows:

10 1. ~~The Iowa finance authority is established, and~~
11 ~~constituted a public instrumentality and agency of the state~~
12 ~~exercising public and essential governmental functions, to~~
13 ~~undertake programs which assist in attainment of adequate~~
14 ~~housing for low or moderate income families, elderly~~
15 ~~families, and families which include one or more persons with~~
16 ~~disabilities, and to undertake the various finance programs.~~
17 The powers of the authority are vested in and shall be
18 exercised by a an Iowa finance authority board of directors.
19 The board shall be composed of nine members appointed by the
20 governor subject to confirmation by the senate.

21 a. ~~No~~ Not more than five members shall belong to the same
22 political party.

23 b. As far as possible, the governor shall include within
24 the membership persons who represent community and housing
25 development industries, housing finance industries, the real
26 estate sales industry, elderly families, minorities, lower
27 income families, very low income families, families which
28 include persons with disabilities, average taxpayers, local
29 government, business interests, and any other person specially
30 interested in community housing, finance, or small business.

31 c. At least two members shall be individuals engaged in
32 actual farming operations who are specially interested in
33 family farm development.

34 Sec. 4. Section 16.103, subsection 1, Code 2013, is amended
35 to read as follows:

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1 1. Make secured and unsecured loans for both the acquisition
2 and the construction of projects on terms the authority
3 determines. ~~Any loan made with respect to any project for~~
4 ~~which a loan may be made pursuant to chapter 175 shall be made~~
5 ~~only upon the request and with the consent of the agricultural~~
6 ~~development authority. The loans~~ A loan may be made to any
7 person or entity including, but not limited to, a city, ~~a or~~
8 county, ~~and the agricultural development authority for projects~~
9 a project approved by the Iowa finance authority. The Iowa
10 finance authority may take any action which is reasonable and
11 lawful to protect its security and to avoid losses from its
12 loans.

13 Sec. 5. Section 175.2, subsection 1, paragraph e, Code 2013,
14 is amended to read as follows:

15 e. "Authority" means the ~~agricultural development Iowa~~
16 finance authority ~~established~~ created in section ~~175.3~~ 16.1A.

17 Sec. 6. Section 175.2, subsection 1, Code 2013, is amended
18 by adding the following new paragraphs:

19 NEW PARAGRAPH. Oh. "Board" means the Iowa finance authority
20 board of directors created pursuant to section 16.1A.

21 NEW PARAGRAPH. Ok. "Executive director" means the executive
22 director of the Iowa finance authority appointed pursuant to
23 section 16.6.

24 Sec. 7. Section 175.3, Code 2013, is amended by striking the
25 section and inserting in lieu thereof the following:

26 **175.3 Authority — administration of this chapter.**

27 1. The authority shall administer this chapter in addition
28 to its administration of chapter 16.

29 2. In administering this chapter, the authority shall do all
30 of the following:

31 a. Provide for programs which assist beginning farmers in
32 purchasing agricultural land and agricultural improvements and
33 depreciable agricultural property for the purpose of farming,
34 and programs which provide financing to farmers for permanent
35 soil and water conservation practices on agricultural land

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1 within the state or for the acquisition of conservation farm
2 equipment, and programs to assist farmers within the state in
3 financing operating expenses and cash flow requirements of
4 farming.

5 **b.** Develop programs to assist qualified agricultural
6 producers within the state with financing other capital
7 requirements or operating expenses.

8 **3.** A program established in this chapter may be combined
9 with any other program established in this chapter, a program
10 established in chapter 16, or a federal program in order
11 to facilitate as far as practicable the acquisition of
12 agricultural land and property by beginning farmers or to
13 facilitate the implementation of permanent soil and water
14 conservation practices and the acquisition of conservation farm
15 equipment.

16 **4.** The board shall have general control, supervision,
17 and regulation of all authority programs established under
18 this chapter in the same manner as provided for in chapter 16
19 pursuant to section 16.1A.

20 **Sec. 8.** Section 175.4, subsection 11, Code 2013, is amended
21 to read as follows:

22 **11.** It is necessary to create an ~~agricultural development~~
23 authority to encourage ownership of farms by beginning farmers
24 by providing purchase money loans to beginning farmers who are
25 not able to obtain adequate capital elsewhere to provide such
26 funds and to lower costs through the use of public financing.

27 **Sec. 9.** Section 175.5, unnumbered paragraph 1, Code 2013,
28 is amended to read as follows:

29 In the performance of its duties, implementation of its
30 powers, selection of specific programs and projects to receive
31 its assistance as provided in section 175.3, the authority
32 shall be guided by the following principles:

33 **Sec. 10.** Section 175.6, unnumbered paragraph 1, Code 2013,
34 is amended to read as follows:

35 The authority has all of the general powers needed to carry

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1 out its purposes and duties, and to exercise its specific
2 powers, under this chapter including but not limited to the
3 power to do any of the following:

4 Sec. 11. Section 175.8, subsection 1, unnumbered paragraph
5 1, Code 2013, is amended to read as follows:

6 ~~The authority shall submit to the governor and to the members~~
7 ~~of the general assembly as request it, not later than January~~
8 ~~15 of each year, a complete and economically designed and~~
9 ~~reproduced~~ As part of the authority's report setting forth:
10 required in section 16.7, the authority shall detail its
11 activities under this chapter, which shall include all of the
12 following:

13 Sec. 12. Section 175.8, subsections 3 and 4, Code 2013, are
14 amended to read as follows:

15 ~~3. For fiscal years beginning on or after July 1, 2007,~~
16 ~~the auditor of state shall conduct an annual audit of the~~
17 ~~agricultural development authority to be paid from resources~~
18 ~~of the authority notwithstanding any other audit conducted on~~
19 ~~behalf of the authority's board of directors. The auditor of~~
20 ~~state may acquire the services of an outside audit firm, if~~
21 ~~necessary, to conduct the audit as required in this subsection.~~

22 ~~4. 3.~~ The authority's executive director, appointed
23 pursuant to section 175.7, shall report semiannually to the
24 general assembly's standing committees on government oversight
25 regarding the operations of the authority.

26 Sec. 13. Section 175.26, Code 2013, is amended by striking
27 the section and inserting in lieu thereof the following:

28 **175.26 Conflicts of interest.**

29 The requirements and procedures for conflicts of interest
30 by a member or employee of the authority set forth in section
31 16.3A shall also apply to this chapter.

32 Sec. 14. REPEAL. Sections 175.7 and 175.11, Code 2013, are
33 repealed.

34 Sec. 15. EFFECTIVE DATE. This division of this Act takes
35 effect on July 1, 2013.

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DIVISION II

COORDINATING PROVISIONS

1
2
3 Sec. 16. Section 7C.4A, subsection 4, Code 2013, is amended
4 to read as follows:

5 4. Twenty-one percent of the state ceiling shall be
6 allocated to qualified small issue bonds issued for ~~first-time~~
7 beginning farmers under chapter 175. However, at any time
8 during the calendar year the governor's designee, with
9 the approval of the Iowa ~~agricultural development finance~~
10 authority, may determine that a lesser amount need be allocated
11 to qualified small issue bonds for ~~first-time~~ beginning
12 farmers and on that date this lesser amount shall be the amount
13 allocated for those bonds and the excess shall be allocated
14 under subsection 7.

15 Sec. 17. Section 12.28, subsection 1, paragraph b, Code
16 2013, is amended to read as follows:

17 *b. "State agency" means a board, commission, bureau,*
18 *division, office, department, or branch of state government.*
19 *However, state agency does not mean the state board of regents,*
20 *institutions governed by the board of regents, or authorities*
21 *created under chapter 16, ~~175~~, 257C, or 261A.*

22 Sec. 18. Section 12.30, subsection 1, paragraph a, Code
23 2013, is amended to read as follows:

24 *a. "Authority" means a department, or public or quasi-public*
25 *instrumentality of the state including but not limited to the*
26 *authority created under chapter 12E, 16, ~~175~~, 257C, 261A, or*
27 *463C, which has the power to issue obligations, except that*
28 *"authority" does not include the state board of regents or*
29 *the Iowa finance authority to the extent it acts pursuant to*
30 *chapter 260C. "Authority" also includes a port authority created*
31 *under chapter 28J.*

32 Sec. 19. Section 16.1, subsection 1, paragraph b, Code 2013,
33 is amended to read as follows:

34 *b. "Authority" means the Iowa finance authority ~~established~~*
35 *created in section ~~16.2~~ 16.1A.*

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1 Sec. 20. Section 159.18, subsection 1, Code 2013, is amended
2 to read as follows:

3 1. As used in this section, "*farm programs*" includes, but
4 is not limited to, financial incentive programs established
5 within the division of soil conservation of the department of
6 agriculture and land stewardship as provided in section 161A.70
7 and the beginning farmer loan program administered by the
8 ~~agricultural development~~ Iowa finance authority as provided in
9 section 175.12.

10 Sec. 21. Section 422.7, subsection 19, Code 2013, is amended
11 to read as follows:

12 19. Subtract interest earned on bonds and notes issued by
13 the ~~agricultural development~~ Iowa finance authority as provided
14 in section 175.17, subsection 10.

15 Sec. 22. Section 422.35, subsection 13, Code 2013, is
16 amended to read as follows:

17 13. Subtract the interest earned from bonds and notes issued
18 by the ~~agricultural development~~ Iowa finance authority as
19 provided in section 175.17, subsection 10.

20 Sec. 23. Section 455B.291, subsection 2, Code 2013, is
21 amended to read as follows:

22 2. "*Authority*" means the Iowa finance authority ~~established~~
23 created in section ~~16.2~~ 16.1A.

24 Sec. 24. Section 502.201, subsection 9B, Code 2013, is
25 amended to read as follows:

26 9B. ~~Agricultural development~~ Iowa finance authority. Any
27 security issued by the ~~agricultural development~~ Iowa finance
28 authority under chapter 175.

29 Sec. 25. EFFECTIVE DATE. This division of this Act takes
30 effect on July 1, 2013.

31 DIVISION III

32 TRANSITIONAL PROVISIONS — GENERAL

33 Sec. 26. ADMINISTRATIVE RULES AND OTHER ACTIONS AND
34 DOCUMENTS. Any rule, regulation, form, order, or directive
35 promulgated by agricultural development authority under the

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1 umbrella of the department of agriculture and land stewardship
2 pursuant to section 175.3, Code 2013, as required to administer
3 and enforce the provisions of chapter 175 shall continue in
4 full force and effect until amended, repealed, or supplemented
5 by affirmative action of the Iowa finance authority.

6 Sec. 27. PENDING ADMINISTRATIVE OR JUDICIAL PROCEEDINGS.

7 1. An administrative or judicial proceeding arising under
8 chapter 175 pending on the effective date of this division of
9 this Act shall not be affected due to this Act.

10 2. Any cause of action or statute of limitation relating
11 to an action taken by a party in a matter arising under
12 chapter 175 shall not be affected by this Act, except that
13 the Iowa development authority shall replace the agricultural
14 development authority as a party.

15 3. The department of agriculture and land stewardship
16 or the office of attorney general acting on behalf of the
17 agricultural development authority in an administrative or
18 judicial proceeding shall not be affected as result of this
19 Act. Any statute of limitation shall apply to the parties as if
20 this Act had not been enacted.

21 Sec. 28. PERSONNEL. Any personnel in the state merit system
22 of employment who are transferred due to the effect of this Act
23 shall be so transferred without any loss in salary, benefits,
24 or accrued years of service.

25 Sec. 29. REPLACEMENT ITEMS. Any replacement of signs,
26 logos, stationery, insignia, uniforms, and related items that
27 are made due to the effect of this Act shall be done as part of
28 the normal replacement cycle for such items.

29 Sec. 30. IOWA FINANCE AUTHORITY BOARD OF DIRECTORS. Nothing
30 in this Act requires that a member serving on the Iowa finance
31 authority board of directors serve for less than a term of
32 office specified in section 16.2. However, two directors whose
33 terms end after the effective date of this division of this Act
34 shall be replaced by two individuals who are engaged in actual
35 farming operations as required in section 16.2, as amended by

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1 this Act.

2 Sec. 31. OUTSTANDING LEGAL OBLIGATIONS AND RIGHTS. Any
3 interest in real property, tangible personal property,
4 or intangible personal property held by the agricultural
5 development authority shall be transferred to the Iowa finance
6 authority. Any property right, security interest, or lien
7 held by the agricultural development authority shall vest in
8 the Iowa finance authority without an instrument of transfer
9 including but not limited to a deed, contract, or endorsement.
10 However, nothing in this section prohibits the execution of
11 such instrument if the Iowa finance authority determines it
12 is necessary or prudent. Any debt, obligation, or liability
13 incurred by the agricultural development authority shall be
14 assumed by the Iowa finance authority, and shall continue
15 according to the same terms and conditions as applied to the
16 agricultural development authority. Any right or benefit
17 arising from a legal instrument in which the agricultural
18 development authority was a party shall be transferred to the
19 Iowa finance authority and shall continue as if the transfer
20 had not occurred.

21 Sec. 32. EFFECTIVE DATE. This division of this Act takes
22 effect July 1, 2013.

23 DIVISION IV
24 TRANSITIONAL PROVISIONS — REQUIREMENTS OF THE IOWA FINANCE
25 AUTHORITY AND THE AGRICULTURAL DEVELOPMENT AUTHORITY

26 Sec. 33. GENERAL. The Iowa finance authority shall provide
27 for the implementation of this Act according to a schedule
28 approved by the Iowa finance authority's board of directors
29 which is consistent with this Act.

30 Sec. 34. EMERGENCY RULEMAKING. The Iowa finance authority
31 may adopt emergency rules under section 17A.4, subsection 3,
32 and section 17A.5, subsection 2, paragraph "b", to implement
33 the provisions of this Act, and the rules shall be effective
34 July 1, 2013, unless a later date is specified in the rules.
35 Any rules adopted in accordance with this section shall also be



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1 published as a notice of intended action as provided in section
2 17A.4.

3 Sec. 35. INTERAUTHORITY COOPERATION. The agricultural
4 development authority shall assist the Iowa finance authority
5 in implementing this Act by providing for an effective
6 transition of powers and duties from one authority to the other
7 authority under chapter 175 and related administrative rules.

8 Sec. 36. EFFECTIVE UPON ENACTMENT. This division of this
9 Act, being deemed of immediate importance, takes effect upon
10 enactment.

11 EXPLANATION

12 GENERAL. This bill provides that the powers and duties
13 of the agricultural development authority are transferred to
14 the Iowa finance authority. The agricultural development
15 authority administers programs under Code chapter 175 to assist
16 farmers, including beginning farmers, to start or expand their
17 operations. The Iowa finance authority administers programs
18 under Code chapter 16 to assist low-or moderate-income families
19 in attaining housing.

20 ADMINISTRATION. The agricultural development authority
21 is currently housed in the department of agriculture and
22 land stewardship. The Iowa finance authority and the
23 agricultural development authority are each headed by a board
24 of directors and each authority is supervised by an executive
25 director. Each authority is required to cooperate with lending
26 institutions in providing for affordable credit; and each may
27 issue bonds and notes in order to finance its programs.

28 OTHER SUBSTANTIVE CHANGES. The bill makes two other
29 substantive changes. It provides that the Iowa finance
30 authority board of directors has broad administrative authority
31 to make, interpret and construe its rules, and interpret and
32 construe the laws of this state relating to such programs.
33 The bill requires that two members of the board be involved
34 in farming. It eliminates a provision which requires the
35 state auditor to perform an annual audit of the agricultural

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1 development authority. Currently, the state auditor may
2 periodically perform audits of the Iowa finance authority.
3 TRANSITIONAL PROVISIONS. The bill includes a number of
4 transitional provisions to assist the Iowa finance authority in
5 accomplishing the transfer and to effectuate the transfer of
6 legal rights and obligations.
7 The transitional provisions relate to the validity of
8 existing rules, regulations, forms, orders, and directives;
9 pending legal actions; the transfer of personnel; and the
10 replacement of items bearing the name of the agricultural
11 development authority. The bill provides for the transfer of
12 interests in real property, tangible personal property, and
13 intangible personal property as well as debts, obligations,
14 or liabilities incurred by the agricultural development
15 authority and any right or benefit obtained by the agricultural
16 development authority (e.g., through outstanding contracts).
17 The bill also provides that two members of the Iowa finance
18 authority's board of directors may serve out their terms before
19 being replaced by persons involved in farming. Finally, the
20 bill authorizes the Iowa finance authority to provide for the
21 implementation of the bill according to a schedule adopted by
22 its board of directors, provides the authority with emergency
23 rulemaking authority, and requires that the two authorities
24 cooperate in implementing the transition.
25 Generally, the bill takes effect on July 1. However,
26 provisions which authorize the Iowa development authority to
27 implement the bill take effect upon enactment.



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Senate Study Bill 1208 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON SENG)

A BILL FOR

- 1 An Act making an appropriation to support soil and water
- 2 conservation by the department of agriculture and land
- 3 stewardship.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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da/rj



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1 Section 1. PURPOSE.

2 The purpose of this Act is to increase the annual
3 appropriation made by the general assembly to the department
4 of agriculture and land stewardship for the fiscal year
5 beginning July 1, 2013, and ending June 30, 2014, for the soil
6 conservation division. The appropriation made in this Act
7 is intended to supplement and not supplant any appropriation
8 made in another Act as enacted during the first session of the
9 Eighty-fifth General Assembly.

10 Sec. 2. SOIL CONSERVATION — APPROPRIATION. There is
11 appropriated from the environment first fund created in section
12 8.57A to the department of agriculture and land stewardship
13 for the fiscal year beginning July 1, 2013, and ending June
14 30, 2014, the following amounts, or so much thereof as is
15 necessary, to be used for the purposes designated:

16 1. For use by the department in providing for soil and
17 water conservation administration, the conservation of soil and
18 water resources, or the support of soil and water conservation
19 district commissioners:

20 \$ 7,000,000

21 2. Not more than 5 percent of the moneys appropriated in
22 subsection 1 may be allocated for cost sharing to address
23 complaints filed under section 161A.47.

24 3. Of the moneys appropriated in subsection 1, 5 percent
25 shall be allocated for financial incentives to establish
26 practices to protect watersheds above publicly owned lakes of
27 the state from soil erosion and sediment as provided in section
28 161A.73.

29 4. Not more than 30 percent of a soil and water conservation
30 district's allocation of moneys as financial incentives may be
31 provided for the purpose of establishing management practices
32 to control soil erosion on land that is row cropped, including
33 but not limited to no-till planting, ridge-till planting,
34 contouring, and contour strip-cropping as provided in section
35 161A.73.



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1 5. The state soil conservation committee established by
2 section 161A.4 may allocate moneys appropriated in subsection
3 1 to conduct research and demonstration projects to promote
4 conservation tillage and nonpoint source pollution control
5 practices.

6 6. The allocation of moneys as financial incentives as
7 provided in section 161A.73 may be used in combination with
8 moneys allocated by the department of natural resources.

9 7. Not more than 15 percent of the moneys appropriated
10 in subsection 1 may be used for costs of administration and
11 implementation of soil and water conservation practices.

12 8. In lieu of moneys appropriated in section 466A.5, not
13 more than \$50,000 of the moneys appropriated in subsection
14 1 shall be used by the soil conservation division of the
15 department of agriculture and land stewardship to provide
16 administrative support to the watershed improvement review
17 board established in section 466A.3.

18 EXPLANATION

19 This bill states that its purpose is to supplement the
20 annual appropriation made by the general assembly to the soil
21 conservation division of the department of agriculture and land
22 stewardship for the fiscal year beginning July 1, 2013, and
23 ending June 30, 2014.

24 Specifically, the bill appropriates moneys from the
25 environment first fund (Code section 8.57A) for use by the
26 department in providing for soil and water conservation
27 administration, the conservation of soil and water resources,
28 or the support of soil and water conservation district
29 commissioners. The appropriation is for \$7 million with
30 a number of conditions relating to how the moneys may be
31 expended, including to address complaints, to protect
32 watersheds, to establish management practices to control soil
33 erosion on land that is row-cropped, to conduct research and
34 demonstration projects, to provide financial incentives,
35 to support administration, and to support the watershed



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1 improvement review board.



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Senate Study Bill 1209 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON DANIELSON)

A BILL FOR

1 An Act authorizing lottery games to benefit special olympics
2 programs.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2480XC (3) 85
ec/rj



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1 Section 1. Section 8.8, Code 2013, is amended to read as
2 follows:

3 **8.8 Special olympics fund — appropriation.**

4 1. A special olympics fund is created in the office of
5 the treasurer of state under the control of the department
6 of management. ~~There~~ The fund consists of all moneys
7 transferred or appropriated to the fund. In addition, there
8 is appropriated annually from the general fund of the state to
9 the special olympics fund fifty thousand dollars to be used for
10 the purposes of the fund.

11 2. Moneys in the fund shall be for distribution to one or
12 more organizations which administer special olympics programs
13 benefiting the citizens of Iowa with disabilities.

14 3. Moneys in the special olympics fund are not subject to
15 section 8.33. Notwithstanding section 12C.7, subsection 2,
16 interest or earnings on moneys in the special olympics fund
17 shall be credited to the fund.

18 **Sec. 2. NEW SECTION. 99G.9B Limited series of lottery games**
19 **to benefit special olympics programs.**

20 The chief executive officer, in consultation with the board,
21 shall develop and conduct one additional instant scratch
22 lottery game annually to provide moneys for the benefit of
23 special olympics programs. The moneys received from the sale
24 of tickets for the lottery game shall be deposited in a special
25 account in the lottery fund. Notwithstanding section 99G.39,
26 after payment of the prizes, the remaining moneys shall be
27 transferred to the special olympics fund established pursuant
28 to section 8.8.

29 **EXPLANATION**

30 This bill provides that the chief executive officer of the
31 lottery authority shall develop and conduct one additional
32 instant scratch lottery game annually for the benefit of
33 special olympics programs. Moneys received from the games,
34 less prizes, shall be transferred to the special olympics fund
35 created in Code section 8.8, and may be distributed to one or

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1 more organizations which administer special olympic programs
2 for Iowans with disabilities.



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Senate Study Bill 1210 - Introduced

SENATE JOINT RESOLUTION _____
BY (PROPOSED COMMITTEE ON
COMMERCE RESOLUTION BY
CHAIRPERSON McCOY)

SENATE JOINT RESOLUTION

1 A Joint Resolution to extend the time for offerors to respond
2 to the Iowa telecommunications and technology commission's
3 request for proposals for the sale or lease of the Iowa
4 communications network, and including effective date and
5 retroactive applicability provisions.
6 WHEREAS, the Iowa telecommunications and technology
7 commission is required to implement a request for proposals
8 process to sell or lease the Iowa communications network; and
9 WHEREAS, the sale is required to be concluded or the lease
10 commenced during the fiscal year beginning July 1, 2012; and
11 WHEREAS, the commission has determined that additional
12 time is necessary for receiving responses to the request for
13 proposals; NOW THEREFORE,
14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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rn/nh



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S.J.R. _____

1 Section 1. IOWA COMMUNICATIONS NETWORK SALE OR LEASE —
2 EXTENSION OF REQUEST FOR PROPOSALS DEADLINE. Notwithstanding
3 2011 Iowa Acts, chapter 122, section 8, as amended by 2011 Iowa
4 Acts, chapter 127, section 55, the Iowa telecommunications and
5 technology commission shall extend the April 30, 2013, deadline
6 for receiving offeror responses to the request for proposals
7 issued on February 6, 2013, for the sale or lease of the Iowa
8 communications network to July 31, 2013. The commission shall
9 adjust and extend all other established deadlines associated
10 with the request for proposals in a manner consistent with this
11 extension.

12 Sec. 2. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY. This
13 joint resolution, being deemed of immediate importance, takes
14 effect upon enactment and, if approved by the governor on or
15 after April 30, 2013, shall apply retroactively to that date.

16 EXPLANATION

17 This joint resolution extends the date for responding to
18 a request for proposals for the sale or lease of the Iowa
19 communications network.

20 The resolution provides that the current deadline of April
21 30, 2013, for receiving responses to a request for proposals
22 issued on February 6, 2013, for the sale or lease of the
23 network shall be extended to July 31, 2013. The resolution
24 directs the Iowa telecommunications and technology commission
25 to adjust and extend all other established deadlines associated
26 with the request for proposals in a manner consistent with this
27 extension.

28 The resolution takes effect upon enactment and, if
29 approved by the governor on or after April 30, 2013, applies
30 retroactively to that date.



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Senate Study Bill 1211 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
NATURAL RESOURCES AND
ENVIRONMENT BILL BY
CHAIRPERSON DEARDEN)

A BILL FOR

1 An Act relating to alternate energy by extending renewable
2 energy tax credit eligibility dates, expanding membership of
3 the Iowa energy center advisory council, and establishing
4 specified grant and loan funds.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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rn/sc



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1 Section 1. Section 266.39C, subsection 2, paragraph a, Code
2 2013, is amended by adding the following new subparagraph:

3 NEW SUBPARAGRAPH. (13) Two representatives of the wind
4 energy manufacturing, service, and production industries, one
5 representing a large-scale wind energy producer, appointed
6 by the Iowa wind energy association, and one representing a
7 small-scale wind energy producer, appointed by the Iowa wind
8 energy association.

9 Sec. 2. NEW SECTION. 473.21 **Small wind innovation zone**
10 **assistance fund.**

11 1. A small wind innovation zone assistance fund is created
12 in the state treasury under the control of the Iowa energy
13 center established in section 266.39C. All moneys deposited or
14 paid into the fund are appropriated and made available to the
15 Iowa energy center to be used for small wind innovation zone
16 grants or loans as provided in subsection 2. The fund shall
17 consist of any moneys appropriated by the general assembly
18 and payments on loans made under this section. Moneys in the
19 fund are not subject to section 8.22. Notwithstanding section
20 12C.7, subsection 2, interest or earnings on moneys deposited
21 in the fund shall be credited to the fund.

22 2. Moneys in the small wind innovation zone assistance fund
23 shall be used to provide grants and loans for the construction
24 of small wind energy systems as defined in section 476.48 for
25 the applicant's own use of electricity within a small wind
26 innovation zone designated pursuant to section 476.48.

27 3. A minimum of fifty percent of the moneys in the fund
28 shall be distributed or awarded each year to applicants in the
29 form of loans.

30 4. Eligibility criteria and loan qualifications and terms
31 shall be determined by the authority by rule in coordination
32 with the Iowa energy center advisory board.

33 Sec. 3. NEW SECTION. 473.22 **Homegrown wind energy and solar**
34 **energy assistance fund.**

35 1. A homegrown wind energy and solar energy assistance



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1 fund is created in the state treasury under the control of the
2 Iowa energy center established in section 266.39C. All moneys
3 deposited or paid into the fund are appropriated and made
4 available to the Iowa energy center to be used for wind energy
5 or solar energy grants or loans as provided in subsection
6 2. The fund shall consist of any moneys appropriated by
7 the general assembly and payments on loans made under this
8 section. Moneys in the fund are not subject to section 8.22.
9 Notwithstanding section 12C.7, subsection 2, interest or
10 earnings on moneys deposited in the fund shall be credited to
11 the fund.

12 2. Moneys in the homegrown wind energy and solar energy
13 assistance fund shall be used to provide grants or loans
14 for the construction of wind energy systems or solar energy
15 systems by a private college or university, community college,
16 institution under the control of the state board of regents,
17 public or accredited nonpublic elementary or secondary school,
18 or public hospital as defined in section 249J.3 for the
19 applicant's own use of electricity. Eligible projects shall
20 not exceed one-half megawatt of nameplate generating capacity.

21 3. A minimum of seventy-five percent of moneys in the
22 fund shall be utilized each year for wind energy projects. A
23 minimum of fifty percent of the moneys in the fund shall be
24 distributed or awarded each year to applicants in the form of
25 loans.

26 4. Eligibility criteria and loan qualifications and terms
27 shall be determined by the authority by rule in coordination
28 with the Iowa energy center advisory board.

29 **Sec. 4. NEW SECTION. 473.23 Powering agriculture wind and**
30 **solar energy assistance fund.**

31 1. A powering agriculture wind and solar energy assistance
32 fund is created in the state treasury under the control of
33 the Iowa energy center established in section 266.39C. All
34 moneys deposited or paid into the fund are appropriated
35 and made available to the Iowa energy center to be used for

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1 agricultural wind energy or solar energy grants or loans as
2 provided in subsection 2. The fund shall consist of any moneys
3 appropriated by the general assembly and payments on loans
4 made under this section. Moneys in the fund are not subject
5 to section 8.22. Notwithstanding section 12C.7, subsection 2,
6 interest or earnings on moneys deposited in the fund shall be
7 credited to the fund.

8 2. Moneys in the powering agriculture wind energy and solar
9 energy assistance fund shall be used to provide grants or loans
10 for the construction of wind energy systems or solar energy
11 systems at farms located in the state for the applicant's
12 own use of electricity. Eligible projects shall not exceed
13 one-half megawatt of nameplate generating capacity.

14 3. A minimum of seventy-five percent of moneys in the
15 fund shall be utilized each year for wind energy projects. A
16 minimum of fifty percent of the moneys in the fund shall be
17 distributed or awarded each year to applicants in the form of
18 loans.

19 4. Eligibility criteria and loan qualifications and terms
20 shall be determined by the authority by rule in coordination
21 with the Iowa energy center advisory board.

22 Sec. 5. Section 476C.1, subsection 6, paragraph d, Code
23 2013, is amended to read as follows:

24 d. Was initially placed into service on or after July 1,
25 2005, and before January 1, ~~2015~~ 2018.

26 Sec. 6. Section 476C.5, Code 2013, is amended to read as
27 follows:

28 **476C.5 Certificate issuance period.**

29 A producer or purchaser of renewable energy may receive
30 renewable energy tax credit certificates for a ten-year period
31 for each eligible renewable energy facility under this chapter.
32 The ten-year period for issuance of the tax credit certificates
33 begins with the date the purchaser of renewable energy first
34 purchases electricity, hydrogen fuel, methane gas or other
35 biogas used to generate electricity, or heat for commercial

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1 purposes from the eligible renewable energy facility for
2 which a tax credit is issued under this chapter, or the date
3 the producer of the renewable energy first uses the energy
4 produced by the eligible renewable energy facility for on-site
5 consumption. Renewable energy tax credit certificates shall
6 not be issued for renewable energy purchased or produced for
7 on-site consumption after December 31, ~~2024~~ 2027.

8 EXPLANATION

9 This bill relates to alternate energy by extending renewable
10 energy tax credit eligibility dates, expanding membership of
11 the Iowa energy center advisory council, and establishing
12 specified grant and loan funds.

13 The bill adds two new members to the council who shall be
14 representatives of the wind energy manufacturing, service, and
15 production industries. The bill provides that one member shall
16 represent a large-scale wind energy producer, and one member
17 shall represent a small-scale wind energy producer. Both
18 members shall be appointed by the Iowa wind energy association.

19 The bill establishes three new grant and loan funds, one
20 relating exclusively to wind energy projects, and the other
21 two encompassing solar energy projects in addition to wind.
22 Each grant and loan fund is structured similarly. The funds
23 are created in the state treasury under the control of the
24 Iowa energy center established in Code section 266.39C and
25 all moneys deposited or paid into the funds are appropriated
26 and made available to the Iowa energy center to be used for
27 their specified purposes. Each fund shall consist of moneys
28 appropriated by the general assembly, if such an appropriation
29 is made, and loan repayments. The bill specifies that moneys
30 in the funds are not subject to reversion to the general fund,
31 and interest or earnings on moneys deposited in the funds
32 shall be credited to the funds. Further, the bill states that
33 eligibility criteria and loan qualifications and terms shall be
34 determined by the authority by rule in coordination with the
35 Iowa energy center advisory board.

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1 The bill creates a small wind innovation zone assistance
2 fund and provides that moneys in the fund shall be used
3 to provide grants and loans for the construction of small
4 wind energy systems as defined in Code section 476.48 for
5 the applicant's own use of electricity within a designated
6 small wind innovation zone, with a minimum of 50 percent of
7 the moneys in the fund annually distributed or awarded to
8 applicants in the form of loans.

9 The bill creates a homegrown wind energy and solar energy
10 assistance fund and provides that moneys in the fund shall
11 be used to provide grants or loans for the construction of
12 wind energy systems or solar energy systems by a private
13 college or university, community college, institution under the
14 control of the state board of regents, public or accredited
15 nonpublic elementary or secondary school, or public hospital as
16 defined in Code section 249J.3 for the applicant's own use of
17 electricity. The bill specifies that eligible projects shall
18 not exceed one-half megawatt of nameplate generating capacity,
19 that a minimum of 75 percent of moneys in the fund shall be
20 utilized annually for wind energy projects, and that a minimum
21 of 50 percent of the moneys in the fund shall be distributed or
22 awarded to applicants annually in the form of loans.

23 The bill creates a powering agriculture wind energy and
24 solar energy assistance fund and provides that moneys in
25 the fund shall be used to provide grants or loans for the
26 construction of wind energy systems or solar energy systems
27 at farms located in the state for the applicant's own use of
28 electricity. The bill states that eligible projects shall not
29 exceed one-half megawatt of nameplate generating capacity, that
30 a minimum of 75 percent of moneys in the fund shall be utilized
31 for wind energy projects, and that a minimum of 50 percent
32 of the moneys in the fund shall be distributed or awarded to
33 applicants annually in the form of loans.

34 Additionally, the bill extends by three years the time
35 period during which an eligible renewable energy facility



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1 seeking to qualify for the renewable energy tax credit pursuant
2 to Code chapter 476C shall have been placed in service to
3 before January 1, 2018. The bill correspondingly extends
4 the time period after which renewable energy tax credit
5 certificates shall not be issued to December 31, 2027.